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# *Perspectives*

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*A Publication about the Minnesota Senate*

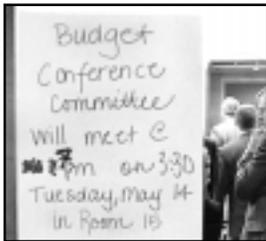


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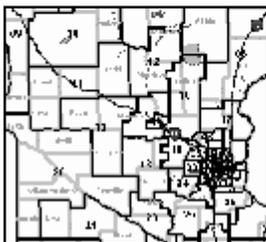
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**On the cover:** The chandelier in the Capitol Rotunda shines brilliantly, Friday, May 10. The chandelier is lit only for special occasions, including Statehood Day, May 11.  
Photo by David J. Oakes.

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# Historic Changes to Come as 13 Retire

by Joshua A. Dorothy

With elections looming in November, one thing is certain. At least one fifth of the Senate in the 83rd Legislative Session will be new to the body.

Two full centuries of experience in the Legislature will be packed up and taken back to districts across the state as 13 Senators retire. The four most senior members of the Senate, with 116 years of Legislative experience between them, are among the retirees.

In no way, though, will all that experience, knowledge and wisdom be lost entirely. Among these retirees are candidates for statewide, local and national offices and mentors to generations of future citizen-legislators.

Perspectives sat down with the members who announced this Spring that they would not be seeking another term and asked them to reflect on their time in the Senate.

Each of them was asked to comment on their path to the Senate, their greatest legislative accomplishment, the

toughest vote they had to cast, what frustrated them about the Legislature and what their future holds.

## Sen. Charles Berg

In the late 1960s and early 1970s, Charles Berg was a lobbyist for the Minnesota Cattlemen's Association and Real Estate Taxpayers Association. He first ran for the Senate in 1972, he said, because the three candidates who had filed in his district did not appeal to him. He entered the race, as an independent, on the last day of filing and won the general election.

He ran again in 1980, as a member of the DFL, and won. In total, Berg has served in the Senate for 26 years. The only Legislator ever to serve as an independent, a DFLer and a Republican, "I've kept the same voting record all the way through," he said.

Berg (R-Chokio) said his proudest achievement has been the long list of farm legislation he has shepherded through the process. Among the laws he has sponsored is one that enabled

farmers to finance their operations the same as any other small business. Berg said it took eight years of effort to finally gain approval of the proposal, but it entered the statute books. He is also proud, he said, of supporting the aquiculture industry against big odds.

The toughest vote he ever had to take in 26 years also affirms his reputation as an independent member of the Senate, regardless of his party affiliation. Berg said the vote came in the 1990s, when then Gov. Arne Carlson vetoed a tax bill. The Senate was divided on the issue, and Berg's vote was to be the deciding one. Caucus leadership visited Berg's seat about three times that day, he said. Berg said he told Majority Leader Roger Moe (DFL-Erskine) not to bring the override motion up that day. According to Berg, Moe told him he had to vote to override the veto. "I felt I didn't have to do anything," Berg said. "That probably raised the most ire."

Since he first won election in 1972, he said, the Senate has become decidedly more liberal. "It is almost to the



**Sen. Charles Berg, right, joined on the floor during the final day of session by his legislative assistant, Ginny Engelhard, who is also retiring.**

point of being socialistic on most issues,” Berg said. The increasing liberalism has frustrated him, he said. In the future, he will be concentrating on his investment business and his farm. However, Berg said, he most looks forward to actively pursuing the hobbies he hasn’t had the time for as an active Legislator—including fishing and golfing. He also intends to travel, with his sights set on Australia. “I’m rapidly running out of time,” he said, for all the places he’d like to visit.

### **Sen. Anthony “Tony” Kinkel**

Almost since birth, Sen. Anthony “Tony” Kinkel (DFL-Park Rapids) has known he wanted to be politically active. He grew up in a political home; his father was mayor of Park Rapids. Kinkel was politically active as a student at the University of Minnesota - Duluth. He was elected to represent the student body on the University Board of Regents. That taste of representative government, he said, got him interested in more. A political science major, he interned at the Legislature in 1981.

“I knew what I wanted to do,” he said, and he ran for his House seat in 1986, winning that election and five

more. He left the House and later ran for the Senate in a special election in 1999.

Kinkel said his ability to win elections at an early age—he was only 26 when he first ran for the Legislature—is due to several advantages he had. His family owned an ambulance business in the Park Rapids area. He and his family, as a consequence, had been to almost every home in the district and were very well liked.

“My dad is fabulous with people, especially in stressful situations,” Kinkel said. More importantly, though, he credits two primary factors in his success. “Everything that I am I owe to two things: loving parents and a home that recognized the value of education and focused on that,” he said.

Kinkel said that early in his political career he learned how to influence the state bureaucracy. He hopes his legacy is one of shaping state government to make better decisions and to serve the people of Northern Minnesota better. The system, he said, is focused on putting constituent needs first and helping citizens feel that state government is working for them and treating them better.

The toughest vote of his legislative career, Kinkel said, involved disciplining two members of the House of Representatives. Kinkel said the issue with one of the members was about behavior. “However, I could never vote to kick anyone out for an illness,” Kinkel said, which was the case with the other members’ chemical dependency.

In his life outside of the Capitol, Kinkel is dean of general education at Northwest Technical

College. He said he enjoys being in higher education administration and will be able to use many of the same skills he employed as a Senator. However, he said he doesn’t know if any career will be able to top his time in the Legislature. Most of all, though, Kinkel looks forward to being able to hold his children more and attend their school events. “It will be nice to come home at night, to my own home,” he said.

### **Sen. Arlene Lesewski**

On the second to last day of candidate filing in 1990, Arlene Lesewski was called by a collection of her friends and neighbors. “We want you to run for Senate,” they said. With barely more than 24 hours to make a decision and drive to St. Paul to file, the now three-term Senator called a few of her political mentors and discussed what running would mean with her husband. She filed and ran in 1990, losing to a 10-year incumbent. However, she ran again in 1992 and won, becoming the first woman Legislator from Southwestern Minnesota.

Since then, Lesewski (R-Marshall) has served Southwestern Minnesota for 10 years. “I’ve loved every minute of it,”



**Sen. David Johnson**

she said, “it was very fulfilling.” The choice not to seek reelection was not hers, though, she said. Rather, it was made for her by the five-judge panel that redrew the state’s district maps. Lesewski, like many other Legislators, was paired against a fellow incumbent. However, she leaves the Senate believing she has accomplished much for her district and the state.

“I tried to learn the legislative process early in my career,” she said, and has used that knowledge to her advantage.

The process can be frustrating at times, Lesewski said, but the outcome is crucial to Minnesotans. “A lot of votes are critical and very important to the people,” she said. One of the toughest votes she ever had to take was regarding a piece of abortion legislation.

Supporters of the bill, which requires women

seeking abortions to receive information about the procedure and other options and then wait 24 hours before the procedure is performed, knew that Governor Arne Carlson would not sign it, Lesewski said. Some Legislators worked on language that both sides could support, she said, modeled on legislation from Louisiana. Then, the bill was reconsidered, with the intent to replace the original language—which was considered unacceptable by the governor and other Legislators—with the new, compromise language, she said. However, too many people in the pro-life

movement did not understand what was going on, Lesewski said.

A major lobbying group would not agree to the change, Lesewski said.

“It is my belief they had political reasons not to agree,” she said. The organization wanted the governor out of

office, she said. The bill could have become law that year, Lesewski said, and abortions in Minnesota would have declined by 15 percent annually if the organization had not fought the compromise language. It is very difficult, she said, to go against such groups, knowing that constituents will get bad information about what happened at the Capitol.

She said she has been frustrated by efforts for government to judge what is good for others. As an example, Lesewski offered attempts to define what is rich and what is poor. Growing up right after the Great Depression, she said, “My family was very poor, but I never knew that until I was much older.” Her family was happy and always made do with what they had, she said. Being told that they are poor and therefore they should get certain things, Lesewski said, may make many families unhappy with their lives.

In some cases, she said, the stigma of welfare was an incentive to move forward with life.

Lesewski said she sees her legacy as one of creating jobs and fostering economic development. She sponsored legislation to help wind farms in her district and across the state. The development of wind-powered electric generation facilities on the Buffalo Ridge in Southwestern Minnesota, she said, may be the most visible change in the area or even in the entire state over the last 10 years.



**Sen. Douglas Johnson and his seatmate, Sen. Yvonne Prettner Solon**



**Sen. Anthony "Tony" Kinkel**

Lesewski also carried bills creating the workforce development centers, which are one-stop shops for welfare-to-work training, unemployment benefits, job retraining, and services for the blind and disabled.

Though the redistricting process took her district away, an open seat did exist nearby. However, Lesewski said, her political career in the Senate is probably over. She has no interest in moving to a new district, she said. "It is like a new job every year," Lesewski said, which she has enjoyed. Politically, she is considering a run for the Marshall City Council and the Lyon County Commission in the future.

Lesewski said she will keep her options open. She wants to find something that allows her to help or serve people around her, she said. In the meantime, she is eight credits away from completing her college degree, she said, and is considering writing some books, including a reference volume for new

brides or a how-to manual for someone setting up a household.

### **Sen. Bob Lessard**

Looking back on 26 years in the Legislature, Sen. Bob Lessard (IND-Int'l. Falls) said his proudest achievement could be the high profile items that have affected his district, which he describes as the "sportsman's district." The constitutional amendments extending the use of lottery revenues for the environmental trust fund and preserving the state's hunting and fishing heritage, the Atlas permits for young children and others could all be the defining pieces of his career, Lessard said.

Instead, he points to the establishment of a joint powers board in 1979. He acknowledges that it isn't high profile and may not get much press, but he said it was the accomplishment that required the most personal effort. "It isn't what gets the press, but I spent a year and a half of my life on that," Lessard said.

The situation leading to the creation of that board was similar to what propelled Lessard into politics only a few years earlier. The Big Fork River, he said, was under consideration for entry into the federal wild scenic river system. Such action was opposed in Northern Minnesota because of the restrictions the designation places on local landowners. Residents around the river, Lessard said, wanted a hand in the zoning process to protect the river.

In 1979, the federal government was set to undertake a similar proposal, only on a much grander scale. The upper 400

miles of the Mississippi River were to be entered into the federal system, Lessard said. However, eight counties banded together to maintain local control, he said.

A plan for the river was put into state statute, he said, and the Headwaters Board was created. "We did it better, cheaper, faster and without the millions of dollars of condemnation and with local rather than federal control," Lessard said. The board has become a national model and is the only one in the nation that is governed by state statute, he said.

The result, he said, represents what he has fought for while a Senator: maintaining access to natural resources, while using those resources in a sustainable manner.

That focus has often brought him into conflict with the DFL Caucus, of which he was a member until running for reelection in 2000 as an independent and then became the state's only Independence Party legislator, and a diverse group of special interests.

Lessard said he often ran afoul of the DFL for supporting non-DFL candidates. However, he said, the candidates he did not support had positions contrary to the best interests of Northern Minnesota, especially when it came to preserving jobs.

His greatest disappointment, he said, was perhaps his most recent. A bill dedicating 3/16 of one percent of state sales tax revenue to natural resources died on the last night of the 2002 session. It was a chance to do something for future generations, to preserve trails, wetlands, lakes and parks, he said. The vote that was the most difficult, though, he said, is one that he looks back on often and can't always say was the right vote. It was, Lessard said, his best judgement at the time.

The vote was on worker's compensation. The state was faced with the highest rates in the country, he said, and businesses were faced with the prospect of shutting down because they could not pay for worker's compensation insurance or could not find any insurers willing to write policies.

"We had to do something," Lessard said. The eventual solution, he said, was not well-received by many labor organizations, even though benefits were going to improve.

More recently, he said, he has become frustrated by the failure of caucus leaders to get together on issues and work toward a solution, instead of planning separately and attempting to score political points. Lessard said it used to be commonplace for conference committee members, from both bodies, to have dinner together. The collegiality has been lost, he said.

“That has hurt us as far as doing what is right for the state,” Lessard said. He hopes that Legislators will recognize that, he said, and repair the situation soon.

“I’d like to see less party wrangling,” he said, and a reopening of at least informal communication between the caucuses.

“Having said that, it doesn’t mean it hasn’t been an absolutely great ride,” Lessard said, noting that he has made many friends. The experiences of the past 26 years, he said, he would not trade.

However, he will remain somewhat involved in the issues that have concerned him. Lessard will be chairing the Minnesota Recreation and Conservation Coalition. “It is a new forum, with not as high a profile,” Lessard said, but he has a passion for it.

### **Sen. Roger Moe**

“Every bill that becomes a law is important,” said Sen. Roger Moe (DFL-

Erskine). With 32 years in the Senate—including more than two decades as Majority Leader—Moe has helped shape the path of government in Minnesota. His legacy, he said, cannot be found in the legislation he has sponsored or supported. Rather, he highlights the style of leadership he brought to the Senate over the last 22 years. “That’s as important as anything I’ve done,” Moe said.

In state government, the Senate has been, by all measures, he said, more bipartisan, more inclusive, less rancorous and more civil. It is a culture that has to be created, Moe said, and sustained.

However, looking back on a political career that began when his older brother Don encouraged the younger Moe to attend a precinct caucus



**Sen. Arlene Lesewski**

and run for the Senate, the Majority Leader can find more than a few major statutory accomplishments: the environmental trust fund, the unification of Minnesota’s higher education systems into the MnSCU structure, providing health insurance for all children, and so many others. Moe said the past three decades have not been without their share of difficult, controversial legislation. The issue that created the most division, he said, was the Prairie Island legislation of the 1990s. “Without a doubt, that was the most difficult to resolve,” he said. It was complex, controversial, with myriad nuances and high public visibility, Moe said.

More recently, he has become convinced that tripartisan government does not work, he said. “Anybody who thinks this is good because all voices are involved,” Moe said, does not see that the political environment of the last four years created no impetus, no momentum, to move the state forward. More generally, he said, the most frustrating part of the legislative process has been trying to get members to see the larger picture.

“We end up with this dichotomy. We want people to be involved and organized, to petition the government to take action or even inaction,” Moe said. “Different groups do that, down to the



**Sen. Bob Lessard**



**Sen. Roger Moe**

local level, and they put pressure on candidates to support or oppose certain issues or pieces of legislation.”

Because of the groups’ zealousness and organization, he said, the net result can be that fewer people are looking at the big picture. Instead, they are focusing on the politics of their own districts and letting that concern take precedence over state policy, he said. “The challenge is to get people to step back from their districts and look at Minnesota as a whole, plus the importance of the state’s place in the global economy,” Moe said. The issues must be made relevant in the broader context, he said.

In the late 1960s, when Moe first ran for the Senate, his brother Don was involved in the campaign of a state Senator who was running for governor. Don Moe is once again involved in such a campaign, but this one is for his brother, the retiring Majority Leader. “I love this state and I thor-

oughly enjoy public policy,” the Senator said. He is looking forward to a statewide campaign, he said.

“I have something to add at an important time in our state’s history,”

Moe said. He said he still has ideas for the state that he intends to advance during the campaign, and if elected, have the chance to implement those ideas into public policy.

**Sen. Edward Oliver**

Another Legislator who found himself paired against a fellow incumbent by the redistricting panel, Sen. Edward Oliver (R-Deephaven) said he can leave the Senate knowing that one of his goals was almost fully accomplished during the last biennial session. Before running for the Senate 10 years ago, Oliver was associated with Minnesota Fair Share, an organization devoted to bringing the state’s residential property tax classification rate down to a flat 1 percent, regardless of home value. He said the state is about 98 or 99 percent of the way there.

The class rate is now 1 percent for all homes under \$500,000 and 1.25 percent for all homes over \$500,000. “I thought we would never accomplish it,” Oliver said. The issue is especially important to his constituents, he said, who live in the Lake Minnetonka area and are faced with ever accelerating home values. Many of the area’s residents, he said, are middle class and of modest means.



**Sen. Edward Oliver, center, joins in a last day of session joke with Senators Linda Higgins, left, and Martha Robertson.**

"They were getting killed with their residential property taxes," Oliver said. A lot of retired people and others on fixed incomes, both within and without his district, were struggling to pay their tax bills, he said.

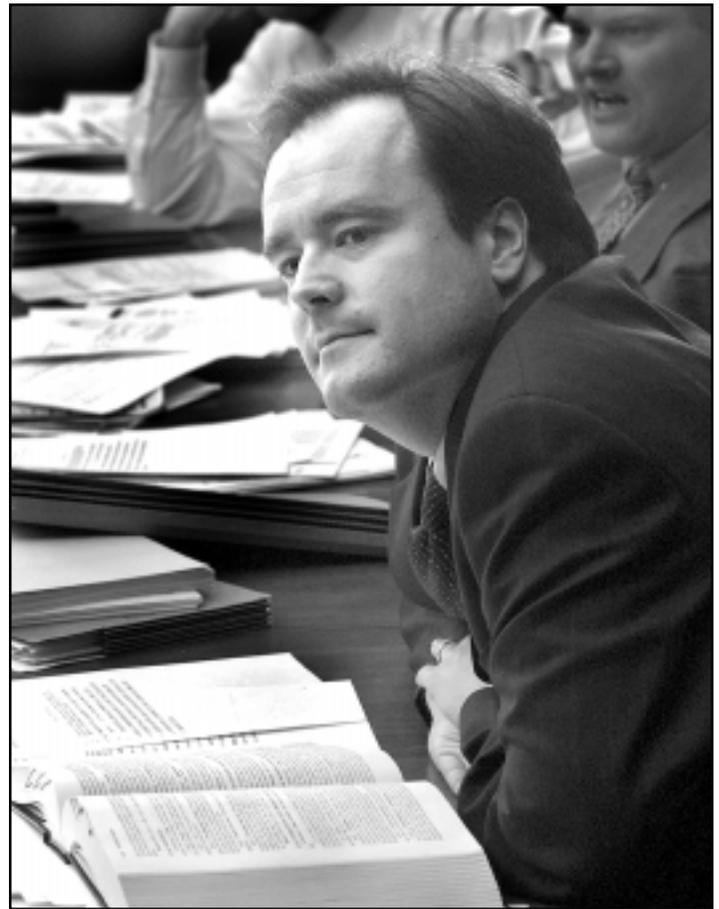
Looking back on his 10 years of service, he said the toughest votes were on many of the social issues that came before the Senate's attention. "There were a lot of 34-33 votes there," Oliver said, and his was often the deciding one. However, he said, the votes were difficult, but the most frustrating part of his career was spending the whole of it in the minority caucus.

Sometimes being in the minority wasn't bad, Oliver said, especially when it came to one committee assignment. For his entire career, Oliver served on the Commerce Committee with the late Sen. Sam Solon (DFL-Duluth), who he calls the best committee chair in the Senate.

"It wasn't difficult being in the minority on that committee," Oliver said, "but I can't say that about the body as a whole." The committee matched his vocational background, in the insurance and financial industries, he said, "and Solon was one heck of a good chairman, who was totally fair to all the members of the committee."

Having found himself paired against a fellow member of the minority caucus, which Oliver said he wasn't expecting to happen, he initially planned to run in the September primary for the Senate. However, he said, looking around he saw that his county commissioner was not seeking reelection and he explored the duties of that office. Oliver decided to drop out of the Senate race and seek the commission seat.

"That is going to be an interesting transition," he said. "The last



**Sen. Myron Orfield**

couple of years here have been so partisan and people have been so uncompromising, that moving on is going to be a new challenge and, I think, an interesting one."

### **Sen. Myron Orfield**

"Politics was always viewed in my household as an honest thing," Sen. Myron Orfield (DFL-Mpls.) said of his childhood. His family was involved in the civil rights and anti-war movements, he said. As he grew older, he became increasingly involved in politics himself. "It seemed like a natural thing," Orfield said.

He worked for the mayor of Minneapolis and was active in DFL politics before running for the House in 1990 and serving in that body for 10 years before seeking a Senate seat 2 years ago.

"There have been a lot of tough votes, so it is hard to remember one specifically," Orfield said. However, he said, cutting programs and services for the elderly and cutting education funding have been difficult votes to cast. It is always a vote, though, that he can



**Majority Leader Roger Moe presents Sen. Julie Sabo, right, with a plaque recognizing her service to the state as a Senator.**

support because he believes the DFL caucus has done a better job at making the cuts than the alternatives, he said.

His proudest achievements are the metropolitan reforms he has championed, including the Metropolitan Reorganization Act, which took the Metropolitan Council from a \$38 million operation to a major \$700 million agency, by including consolidation of the region's transit and wastewater operations, he said. Orfield also highlighted the Livable Communities Act, which was the region's first fair housing law, he said.

Recent changes in the Legislative environment have been frustrating, he said. While he had to learn early on how to deal with people and build coalitions, Orfield said the Legislature has seen increasing partisanship, more rancor, longer debates, decreasing emphasis on the common good and an increase in ideological retrenchment.

The hardening partisanship, he said, has left many Legislators seeking a grey middle rather than a clear, principled position. He said the institution has also lost many of its great liberal leaders, like Willard Munger and Paul Ogren.

In the future, Orfield, who has balanced his legislative responsibilities with his law practice and his research interests in urban growth, said he intends to focus on one job he can do well.

He also anticipates spending more time with his sons, without having his energies divided.

### **Sen. Julie Sabo**

With the shortest legislative career of any of this year's Senators leaving the



**Sen. Kenric Scheevel said good-bye to the Senate, watched by, from left, Senators Jane Krentz, Becky Lourey and Edward Oliver.**

body, Sen. Julie Sabo (DFL-Mpls.) may not initially appear to have much to look back on. However, she served during a legislative session that saw both a massive surplus and a massive shortfall in state revenue forecasts. During that term, Sabo said, she believes she had a significant impact on transportation policy.

"We need both transit and roads in a meaningful proportion for transit," she said. "I hope that I also, in the area of early childhood education, challenged people to think differently about how services could be delivered and the system expanded," Sabo said. She also noted that she was able to pass legislation expanding the availability of accessible housing at affordable levels for Minnesota families.

The Senate, Sabo said, "was a very exhilarating experience." She said she believes that government can make a difference in people's lives. For the system to continue to work, she said, people must continue to participate. As she heads into a statewide campaign, for lieutenant governor alongside Senate

Majority Leader Roger Moe, she said the Senate reinforced her belief of how important government is to people's lives and how much it can impact them.

### **Sen. Kenric Scheevel**

"There's something about that transition from young and single to married and self-employed," said Sen. Kenric Scheevel (R-Preston) about what induced him to take a greater interest in politics and eventually run for the Senate in 1994. He had served on his local school board and identified some areas that he thought needed improvement at the Legislature, Scheevel said. The timing happened to be perfect for him when the incumbent Senator in 1994 retired unexpectedly, he said.

Over the past eight years, Scheevel has been a self-described strong advocate for agriculture and education. He was a supporter and sponsor of the "house, garage and one acre" initiative, which eliminated educational levies on agricultural land used for residential purposes by farmers. Scheevel also



**Sen. Dan Stevens**

worked to provide opportunities for small school districts, he said, to help them keep up with larger, more urban districts. He especially identifies legislation providing debt equalization for small districts so that they have the same opportunities to consider building new facilities without being forced into consolidation with other small districts, he said.

However, he said, he has been frustrated by the lack of movement on some issues. "It is hard not being able to pass legislation that you know is good policy," Scheevel said, "particularly as a member of the minority caucus." However, he said, that is a challenge that every Legislator faces, regardless of caucus. Each one comes in with their own initiatives, he said, and part of the job of a Senator is to sell ideas to colleagues.

Sometimes, Scheevel said, it may take years to pass a proposal. As a farmer, he said, he was used to seeing the results of his labor on a daily basis. The Legislature, Scheevel said, requires a much longer perspective.

He credits many of his colleagues for being able to find that perspective, he said. "The Senate is made up of just plain good people who want to make a positive difference in their districts and the state," Scheevel said. It is a body that is more deliberative in nature than the other body, he said, partly due to the longer terms of its members.

Near the end of session, Scheevel was juggling typical end of session work with putting his crops into the ground and beginning a statewide campaign. He was Brian Sullivan's running mate for the Republican endorsement for governor. "I don't lack for things to do these days," he said.

### **Sen. Dan Stevens**

A former township supervisor and county commissioner, Sen. Dan Stevens (R-Mora) decided to leave the Senate after 10 years to run for Congress. "I started that downhill slide, and now I can't stop," he joked. Stevens said he ran more than a dozen years ago because the incumbent Senator wasn't answering phone calls or letters from constituents. On the second try, Stevens defeated

him. Now he is running for the Seventh District Congressional seat, which covers 40 percent of the state's landmass. All of Vermont, New Hampshire, Massachusetts and Connecticut and most of Rhode Island, he said, could be placed in the district.

During the last decade, Stevens said, he has worked to reform welfare, replacing the system with a temporary assistance model. He said the welfare reform bill was the most contentious piece of legislation he worked on. The bill he carried—supported by then-Governor Arne Carlson—became about two-thirds of the final bill passed, Stevens said.

His legacy, he said, should be one of efforts to reform the state's policies on wetlands, including creating uniformity between the Department of Natural Resources and the Board of Water and Soil Resources. Stevens has also

worked on long-term care reform, an issue of importance as the population grows steadily older.

However, he said, his efforts to reduce the size of state government and alter its structure have been thwarted. Stevens has consistently introduced a bill in each session to reduce the size of the Legislature, from a 67-member Senate to a 47-member body with consistent reductions in the other body. He said he is not a supporter of efforts to create a one-house Legislature, though. Rather, he said, a smaller government makes sense because technology has made it easier for fewer Legislators to stay in contact with more Minnesotans.

Stevens has also offered legislation to change the administrative side of government, reducing the number of officials reporting to the governor and collapsing agencies by eliminating duplication.

He said his proposal can be accomplished by attrition, requiring not a single layoff, and still save millions of dollars.

The biggest change in the Senate, he said, has been an increase in the



**Senator Roy Terwilliger delivers his farewell address to the Senate, with fellow retiring Senator Douglas Johnson observing.**

adversarial nature of the politics between the caucuses and the bodies. Part of that, Stevens said, is because of a lack of communication between members. When he first arrived as a Senator, he said, there were a lot of functions with groups at the Capitol. Contrary to members selling their votes for snacks, he said, the events were civil affairs. "We were at these functions where we got to see each other without staring across a conference table," Stevens said. It was an insult to the members to say that they were selling their votes for hot dogs, cookies or coffee, he said.

Rather than the ethics rules currently in place, which shut down the social events, he said, all that was needed was full disclosure of campaign contributions.

"The reforms were a huge, huge mistake," he said.

### **Sen. Roy Terwilliger**

After 11 years in the Senate, departing Sen. Roy Terwilliger (R-Edina) said, "I'd like to hope that I've tried to get into policy." In fact, Terwilliger has admittedly taken on issues that often are not popular to spouse. He carried the pay bill for

officials, which increased the salaries of commissioners and agency heads, seven times before the other body finally passed it. Terwilliger also worked to develop a financing plan for a new baseball stadium for six years before finally seeing a bill become law. He also sought to find a long-term permanent financial solution to the transportation problems of the state.

As a member of the minority caucus, he said, he has tried to be someone who was perceived as caring across the board about all issues. Terwilliger said he attempted to dispel the myth that the Republican Party was only about numbers; rather, he said, he worked to emphasize the vision of the caucus for the state.

"It is hard to know if you had any impact at all, but I've spent a lot of time thinking about it," Terwilliger said. In his closing remarks to the Senate, Terwilliger recited a poem called "Builders" and implored his colleagues to remain builders, crafting a better state for the future.

He ran for the Senate in a special election in 1992 and won again in the fall. Before the election, Terwilliger had

been in business for 26 years. "There was more government involvement in business that I liked to see," he said.

In his second year as a Senator, he faced the most controversial issue of his career, Terwilliger said. The bill, protecting gay rights, was passed in 1993 and Terwilliger voted for it. He said he heard from a lot of people about that bill before the vote and knew that regardless of which way he voted, 500 people would be pleased and another 500 disappointed.

Terwilliger said he still believes it was the right vote, because it was an issue of fairness.

On the other issues that have come up before the Senate, he said, his frustration has resulted from Legislators agreeing on an issue after a discussion of policy, but then being unable to work together because of political considerations. It is easier for some people to vote one way even though they disagree with the vote, Terwilliger said.

As an example, he offered up the stadium legislation. A member may not want to see the Twins leave the state, he said, but will say that he cannot vote for the bill because he will not be reelected if he votes for it. Terwilliger said that Legislators should not take election calculations into consideration on policy. "The real question is, is it the right policy," he said.

Another example, he said, is the ethics reform legislation of the mid-90s. Most Legislators, Terwilliger said, privately agree that it was not beneficial. Not only did it take away important venues for social interaction between members, it also disadvantaged smaller, underfunded interest groups, he said. The groups are now legally barred from having a social event in the Capitol with

coffee and cookies and they cannot afford to hire full-time lobbyists to personally visit all 201 members and attend committee hearings, Terwilliger said. However, he said, the larger groups could afford it before and can still afford it.

The difficulty, he said, is in explaining the dynamics of it to the media and the public. The easier route was to vote for the reforms rather than lead and educate, Terwilliger said. He said he doesn't fault anyone for taking that path, however, because it is human nature.

In the future, Terwilliger said, he wants to stay involved in the process of public service. He has been married for almost 40 years and said that he has spent a lot of time away from home, tending to legislative or business duties. "The spouse of a public servant really pays the price," he said, because the spouse ends up waiting or having to reschedule things while the public servant tends to the people's business. Terwilliger said that he and his wife will also be able to take a mid-winter vacation, something they haven't been able to do for a dozen years, since such a vacation would come at the height of legislative activity. However, he said, his time in the Senate has been wonderful. "I feel like I've gained much more than I've given."

Two Senators were unable to be reached for this article. **Sen. David Johnson** (DFL-Bloomington) is retiring after serving two terms in the Senate. He was also one of many Senators paired against a fellow incumbent in the district maps prepared by the special judicial panel in March.

**Sen. Douglas Johnson** (DFL-Tower) was first elected to the Senate in 1976, after serving three terms in the other body. During his time in the Senate, Douglas Johnson served as Tax Committee Chair for 20 years and as Finance Committee Chair for the last biennium. During closing comments on the final day of session, Moe said, "he is a living legend, there is no doubt about that." In fact, the final amendment approved by the conference committee on the omnibus tax bill was to rename a section of law for Douglas Johnson. "For all those wonderful years of serving with you, thank you," he said in his closing remarks. "It is has been a great joy, a great voyage."

## Senate Seniority, Alphabetical by First Year of Service

<b>Sen. Roger D. Moe (DFL)</b> .....	<b>1971</b>
<b>Sen. Douglas Johnson (DFL)</b> .....	<b>1977</b>
<b>Sen. Bob Lessard (IND)</b> .....	<b>1977</b>
<b>Sen. Charles Berg* (R)</b> .....	<b>1981</b>
Sen. William Belanger (R) .....	1981
Sen. Linda Berglin (DFL) .....	1981
Sen. Dennis Frederickson (R) .....	1981
Sen. Keith Langseth (DFL) .....	1981
Sen. Dean Johnson (DFL) .....	1983
Sen. Gen Olson (R) .....	1983
Sen. Lawrence Pogemiller (DFL) .....	1983
Sen. Don Samuelson (DFL) .....	1983
Sen. LeRoy Stumpf (DFL) .....	1983
Sen. Richard Cohen (DFL) .....	1987
Sen. Cal Larson (R) .....	1987
Sen. John Marty (DFL) .....	1987
Sen. James Metzen (DFL) .....	1987
Sen. Jim Vickerman (DFL) .....	1987
Sen. Pat Pariseau (R) .....	1989
Sen. Dick Day (R) .....	1991
Sen. John Hottinger (DFL) .....	1991
Sen. Thomas Neuville (R) .....	1991
Sen. Sandra Pappas (DFL) .....	1991
Sen. Leonard Price (DFL) .....	1991
Sen. Jane Ranum (DFL) .....	1991
Sen. Dallas Sams (DFL) .....	1991
<b>Sen. Roy Terwilliger (R)</b> .....	<b>1992</b>
Sen. Ellen Anderson (DFL) .....	1993
Sen. Don Betzold (DFL) .....	1993
Sen. Steve Dille (R) .....	1993
Sen. Sheila Kiscaden (R) .....	1993
Sen. David Knutson (R) .....	1993
Sen. Jane Krentz (DFL) .....	1993
<b>Sen. Arlene Lesewski (R)</b> .....	<b>1993</b>
Sen. Steve Murphy (DFL) .....	1993
<b>Sen. Edward Oliver (R)</b> .....	<b>1993</b>
Sen. Martha Robertson (R) .....	1993
<b>Sen. Dan Stevens (R)</b> .....	<b>1993</b>
Sen. Deanna Wiener (DFL) .....	1993
<b>Sen. Kenric Scheevel (R)</b> .....	<b>1994</b>
Sen. Dave Kleis (R) .....	1995
Sen. Warren Limmer (R) .....	1995
Sen. Mark Ourada (R) .....	1995
Sen. Michelle Fischbach (R) .....	1996
Sen. Leo Foley (DFL) .....	1997
Sen. Linda Higgins (DFL) .....	1997
<b>Sen. David Johnson (DFL)</b> .....	<b>1997</b>
Sen. Steve Kelley (DFL) .....	1997
Sen. Becky Lourey (DFL) .....	1997
Sen. Claire Robling (R) .....	1997
Sen. Linda Scheid (DFL) .....	1997
Sen. Charles Wiger (DFL) .....	1997
Sen. Bob Kierlin (R) .....	1999
Sen. Twyla Ring (DFL) .....	1999
<b>Sen. Anthony "Tony" Kinkel (DFL)</b> .....	<b>1999</b>
Sen. Michele Bachmann (R) .....	2001
Sen. Satveer Chaudhary (DFL) .....	2001
Sen. Chuck Fowler (DFL) .....	2001
Sen. Debbie Johnson (R) .....	2001
<b>Sen. Myron Orfield (DFL)</b> .....	<b>2001</b>
Sen. Mady Reiter (R) .....	2001
Sen. Ann Rest (DFL) .....	2001
<b>Sen. Julie Sabo (DFL)</b> .....	<b>2001</b>
Sen. Grace Schwab (R) .....	2001
Sen. David Tomassoni (DFL) .....	2001
Sen. Mee Moua (DFL) .....	2002
Sen. Yvonne Prettner Solon (DFL) .....	2002

Senators in bold face have announced their retirement.

\* Interrupted Service

Source: Office of the Secretary of the Senate



# Problem Identified, Problem Solved

*Vetoes overridden twice to close budget gap without tax increases, major spending cuts*

by Matthew Wickman

There will be no rebate this year.

Although not much was known about what would unfold during the 2002 Legislative Session, that much was known. As the result of a \$1.9 billion projected shortfall in the state budget at the beginning of the session, as well as an additional \$439 million shortfall revealed by the February forecast, Legislators spent much time this year debating what programs to reduce or eliminate, rather than how much money to give back.

The solution came in two stages. The first stage—dubbed phase one—was approved quickly Thurs., Feb. 21, just a few weeks into the session. To eliminate the shortfall, the measure included one-time spending reductions of \$131 million, transfers from various budget reserve accounts totaling \$1.464 billion, \$374.3 million in permanent spending reductions for the 2002-03 biennium and \$720 million in permanent spending

reductions for the 2004-05 biennium. The measure also saved \$1.127 billion by eliminating planning for inflation.

Under the plan, savings in the current biennium included a \$4 million reduction in early childhood education, a \$15.015 million cut in K-12 education and a \$50 million cut to higher education. The plan saved by reducing transportation funding by \$4.1 million, reducing the corrections services budget by \$13.078 million, public safety services by \$9.713 million and state courts by \$1.592 million. The law also reduced environment and natural resources funding by \$14.2 million, agriculture funding by \$2.7 million, state government funding by \$75 million, the economic development budget by \$7.044 million and health and human services by \$95.922 million. Under the plan, \$16 million was transferred into the dislocated worker program. The measure also included a hiring and contract freeze on state agencies.

The second stage—phase two—did not come as quickly. The plan was

finally passed only after each body overrode a governor's veto the final weekend of the session. It was also only passed after weeks of negotiations. The phase two plan used a number of accounting shifts and changes to make up the shortfall and at the same time increase the budget reserve to \$302 million. The plan delayed \$437.5 million—17 percent—of payments to school districts, transferred \$155 million from the cash flow account to the general fund, refinanced \$75 million in building projects, shifted \$36.9 million in health and human services funds, adjusted \$26.5 million in special education excess cost payments to schools and shifted \$20 million in the worker's compensation special fund. The measure transferred \$14 million from the assigned risk plan, transferred \$2 million from the building code account and netted \$22.5 million through an accelerated sales tax change.

The plan also included additional appropriations—beyond current law—for

various considerations. Among the new appropriations were \$17.5 million for schools with cash flow problems as a result of the delay in payments, \$13 million for an anti-terrorism measure, \$10 million for debt service for refinancing, \$11.7 million for higher education, \$7.6 million to the Department of Revenue for compliance purposes and \$400,000 to keep the governor's mansion open and for executive protection. The measure also contained an additional \$1.5 million for K-12 education and provided for a variety of levies, including a \$30 per pupil safe schools levy.

There were no tax increases in the measure; specifically, the Senate plan to raise the tobacco tax was eliminated in the final version. The plan also did not include the Senate proposal for a moratorium on the time limit to receive Minnesota Family Investment Plan (MFIP) assistance, as well as House proposed abortion language and human services cuts.

Most of the debate centered around the second phase of the budget reconciliation process. Although the final conference committee report—Chap. 374—contains many measures sponsored by the Senate, Sen. Douglas Johnson (DFL-Tower), chair of the budget reconciliation conference committee, said the negotiated plan is not perfect.



**Sen. Douglas Johnson**

"I've got a hollow feeling inside because I didn't totally disagree with the governor that there should have been some revenue raisers [in the plan] to address the huge deficit facing Minnesota in 2004 and 2005," he said.

Johnson listed the failure to address the deficit in the 2004-05 biennium as the main weakness of the bill. He said the failure to include a transportation plan that dealt with metropolitan congestion, improving rural roads and transit options was also disappointing. In fact, he called the lack of a transportation plan one of the "huge" failures of

the 2002 session. Johnson also said the bill should have included "a third leg" that included at least temporary taxes. After record tax cuts over the last several years, he said, most Minnesotans would have found a tax increase acceptable. He said that taxes were part of the budget balancing plans during periods of budget shortfalls of years past, even when Republicans held the governor's office. House members, though, he said, stood in the way of any tax increases.

"I thought at a minimum there should have been some temporary taxes at least to restore the budget reserve," he said. "I just feel that the House Republicans unwillingness to do what should have been done will come back to haunt the next governor and Legislature."

Other Senators also said there were weaknesses with the bill. Sen. Linda Berglin (DFL-Mpls.) said she was disappointed she was unable to restore all of the cuts made to the Corrections Department related to the hiring and contract freeze in phase one. She said many of the positions frozen are essential and cannot just be left vacant. She said she was able, though, to restore about \$10 million of the reductions. Berglin said she was also disappointed the House members were opposed to her proposal to place a moratorium on the time limit to receive MFIP assistance. There is value, she said, in giving people room during a period of continuing layoffs to try to see if they can get out of the recession.

"[The House was] just not going to give anything on that," she said. "It wasn't to be."



**Sen. Dick Day**

Berglin also said that taxes were needed to make the plan more balanced. Taxes, she said, were needed to raise revenue.

"[The whole plan] relies on shifts and finding a few new pots of money," she said.

However, Sen. Dick Day (R-Owatonna) said, in his remarks on the Senate floor, that a key strength of the compromise plan was that it succeeded in balancing the budget without raising taxes. Day, who was also a member of the conference committee, said, while the plan was not perfect, "I thought it was good work because it doesn't raise taxes and it makes use of the tobacco money for cash flow purposes." Day also said the final plan was the product of work by all four caucuses and urged members to support the final compromise package.

Sen. Leonard Price (DFL-Woodbury), though, said from his point of view a weakness of the plan is that it does use the tobacco endowment money for cash flow purposes. Other states have taken similar action, he said, but he added that doesn't mean Minnesota must follow suit. However, Price said using the tobacco money was part of a compromise to get the bill completed.

"This place is about making compromises," he said. "That's what we did—compromise."

The Senators agreed, however, that the new chapter does contain positive elements and is strong in certain areas. Price said the \$303 million budget reserve in the compromise is important and that the measure protects the state's credit rating. He said the plan protects K-12 education and nursing homes from funding cuts. Price also said the new chapter addresses the hiring and contract freeze from phase one and gives the governor specific language on how to approach the issue. Johnson said the plan did solve the shortfall for the 2002-03 biennium. That, he said, is good news. He said the measure protects higher education and local government funding and saves \$61 million in cuts proposed by the House. Johnson also said, by simply passing the plan, the governor was prevented from using his constitutional power to un-allot.

"It was done in an ugly manner but at least it prevents un-allotment by the governor," he said.



**A sign posted on the door of the conference hearing room showed the fluidity of the negotiations, as meetings were scheduled and rescheduled. In the room, members of the public waited for news.**

Berglin said the overall goal of the plan was to eliminate the deficit and retain a budget reserve. Those two goals were met. She said in the current climate of financial uncertainty it is especially important to retain a budget reserve. Within the health, human services and corrections budget, which she oversees, she said one goal was to restore the cuts made to the corrections budget related to the hiring and contract freeze in phase one. That goal, she said, was partially met. She said the measure does not include the House-sponsored draconian cuts in health care for children and the disabled and retains the chemical dependency fund. Berglin also said that it was important that the negotiations were simply completed.

"It looked like it was going to be impossible for a while and we still managed to get it done," she said.

Berglin said there were reasons why phase two proved so difficult to complete. She said only a short time was given to deal with the first phase and thus it was easier to decide quickly. She said that the second phase was made much more difficult because the easiest decisions had already been made during phase one. Also, she said the House was not amenable to any tax increases. At

one point, she said, the Senate had decreased its tobacco tax proposal down to 10 cents per pack. However, that, she said, still was not acceptable.

Johnson said the failure to enact a package for transportation held things up. Johnson also said that too many Legislators signed a no tax pledge. Legislators, he said, should not get "hooked" by such things. Price said it was difficult to reach an agreement because any budget deal needed to be veto proof. As a result, he said, the bill needed to contain features that were amenable to both the House and the Senate. Price also said deep philosophical differences made it difficult to reach an agreement. The House, he said, was categorically opposed to tax increases and wanted

to trim the shortfall through budget cuts. The Senate proposal, however, contained a tobacco tax increase. Price said the Senate also wanted to restore a certain level of the budget reserve.

"Trying to reconcile that philosophical difference was very difficult," he said.

Price said those differences appeared many times in discussions regarding the health and human services portion of the budget. Such proposals as the Senate-sponsored MFIP time limit moratorium, he said, were difficult to work through.

"Some of the health and human services issues were very difficult to reconcile because of the philosophical differences," he said.

The Senators agreed that a lot of work remains for next year. According to Price, there will be nothing left to do in the case of another economic downturn but make further budget cuts and increase taxes. Johnson said that even if the economy rebounds there will be future difficulties because the problem is so severe. He said the current plan relied on shifts and delays, but that there are none left to use. "There are no band-aids left," he said.



# Stadium Plan Ends Session with Success

*Supporters, after years of striking out, prevail in effort to keep team at home*

by Steve Holman

Under the looming threat of the contraction of the Minnesota Twins imposed by the leadership of Major League Baseball (MLB), Legislators finally stepped to the plate to pass a stadium financing bill after extensive debate, deliberations, and delays. However, due to provisions requiring a significant down payment from Twins ownership, local referendums to authorize local sales taxes, and even certain financial and reform promises from MLB, it remains to be seen if lawmakers have hit a game-winning home run or struck out swinging.

The bill passed at the literal midnight hour of the 2002 Legislative session is the culmination of events that began almost seven years ago when Twins President Jerry Bell told a pro sports task force that the Metrodome, the current home for the Twins, is "economically obsolete for major league baseball." Since then, several legislative bills and local referendums for a publically-funded ballpark failed due to consistent resistance to using tax dollars

to subsidize a multi-millionaire team owner.

According to some Legislators, public reception to a publically-funded ballpark became more welcoming last fall when MLB Commissioner Bud Selig announced plans to eliminate two major league ball clubs before the 2002 season. Soon after Selig's announcement, the Twins and the Montreal Expos were identified as the teams slated for contraction. The proposed contraction plans failed to materialize, but the urgency to establish a stadium funding bill remained. Sen. Linda Scheid (DFL-Brooklyn Park), who served as a member of the stadium bill conference committee, said contraction threats didn't cause a sea change in public opinion, but probably motivated those in favor of a stadium into greater action.

The genesis of the final stadium bill came from the office of Gov. Jesse Ventura as the result of the work of Department of Finance Analyst Peter Sausen. Sausen proposed a stadium financing plan based on a system of arbitrage, which takes advantage of the difference between low bond interest

rates and anticipated investment returns over a 30 year period. The plan calls for the state to issue \$330 million in state revenue bonds to cover the construction costs of the new stadium. The plan also specifies that the Twins must make a substantial down payment into a gift fund, which is to be invested and grow to cover the principal of the bond debt after 30 years. The yearly debt service on the bond issuance is paid by the host city via local food, hotel and liquor taxes.

In early versions of the Senate bill, the Twins were required to contribute half of the construction costs, or \$165 million. The Senate bill also included provisions that required MLB to sign a 30 year lease for the new facility, guarantee the team will remain in the state for 30 years, and undergo economic reform.

The competing House and Senate stadium funding proposals went to conference committee in early April, but no meetings were held for over a month while Legislators grappled with other major issues such a budget reconciliation plan, a major transportation funding package, and needed capital bonding projects.



**Sen. Dean Johnson**

Finally, late in the evening three days before the constitutional deadline for adjournment, lawmakers finally announced an agreement on a stadium financing plan. The conference committee report for H.F 2214 requires the Twins to pay \$120 million cash into the gift fund. Under the plan the state will issue \$330 million in revenue bonds, the proceeds of which will be used by the host city to construct an open-air, roof-ready stadium. Further, the plan specifies that the gift fund balance be invested over 30 years to pay the \$330 million bond principal.

The measure provides that the stadium's host city may to hold a referendum regarding a local food, hotel and liquor taxes increase of up to 5 percent to cover the debt service on the state bonds, estimated to be \$12 million annually. In a significant departure from the original Senate bill, the agreement includes a provision that allows the host city to implement a stadium ticket tax of up to 5 percent in case financing plan revenues fall short. Originally, the team was to be responsible for any anticipated shortfall in the gift fund balance. The compromise plan also limits the host city to spending no more than \$50 million on infrastructure to prevent excessive bidding proposals.

Chief sponsor, Sen. Dean Johnson (DFL-Willmar), explained the plan to members and stressed that the financing plan did not endanger other public services. "We are not competing with basic services of the state with this plan, because the plan does not involve

general fund money. The local option sales tax is the money used to retire the bonds and a back-up is a 5 percent admissions charge."

In his remarks on the Senate floor, Johnson explained, "The conference committee felt strongly that we should set forth the criteria for site selection and then let the Twins work with the host city under conditions set in the bill. It should be a business deal between the host city and the Twins."

Unlike the Senate plan, the conference committee report excludes county participation as a host municipality, effectively dismantling the plan of the city of Minneapolis to partner with

Hennepin County in its stadium bid. "Senate members wanted to keep Hennepin County in the bill," said Sen. Roy Terwilliger (R-Edina), also a member of the conference committee. "But it became abundantly clear the bill wouldn't pass the House with Hennepin County in there. We tried keeping it in." Minneapolis Mayor R.T. Ryback said on several occasions that the city would not bid as a host city without Hennepin County's participation. Most legislators assume that St. Paul is clearly the leading host city candidate.

Critics charged House resistance to Hennepin County's participation was both unfair and counterproductive. An editorial in the Minneapolis Star Tribune read "Casting aside common sense, fairness and economy, lawmakers effectively excluded a location most attractive to prospective Twins owners." However, Terwilliger said the Minneapolis law that caps city investment in stadium infrastructure at \$10 million is not an insurmountable hurdle. "It isn't over for Minneapolis. Once the emotion dies down, people in Minneapolis will realize that it is still possible to build a stadium in the city."

Under the compromise plan, the Twins are responsible for all upkeep of the stadium, but receive all revenues from the stadium. The Twins are required to sign a 30 year lease with no escape clauses, and the measure requires MLB to guarantee the Twins will remain in the stadium for at least 30 years. The proposal says that before a stadium is authorized, the state must determine there is a reasonable chance of economic reform in major league baseball. Scheid



**Sen. John Marty**

characterized the guarantee and reform provisions as mostly symbolic. "Is any organization going to guarantee that a team will remain in the area if the team goes bankrupt? I think we all understand, as Legislators, that there are no guarantees," she said.

Also included in the conference report are provisions facilitating the first stage of a joint Minnesota Vikings/University of Minnesota football stadium. The measure creates a football stadium account and funds the account with \$500,000 from reserves of the Metropolitan Sports Facility Commission. The bill also transfers any proceeds from the sale of the Metrodome to the football stadium account.

Proponents say they are happy with the bill that was sent to the governor and signed, but warned there are still significant obstacles to overcome. "We did a good job setting up a framework," said Scheid, "But there are still some issues politically that could be a problem. It isn't a done deal." Terwilliger agrees. "The bill meets a lot of criteria we hoped for, but there are additional challenges that remain," he said. "The bill is responsive to the feeling of Minnesotans who want the team to stay in the state. It is a positive response and a good solution. I'm still confident a stadium will come out of this."



**Sen. Linda Scheid**

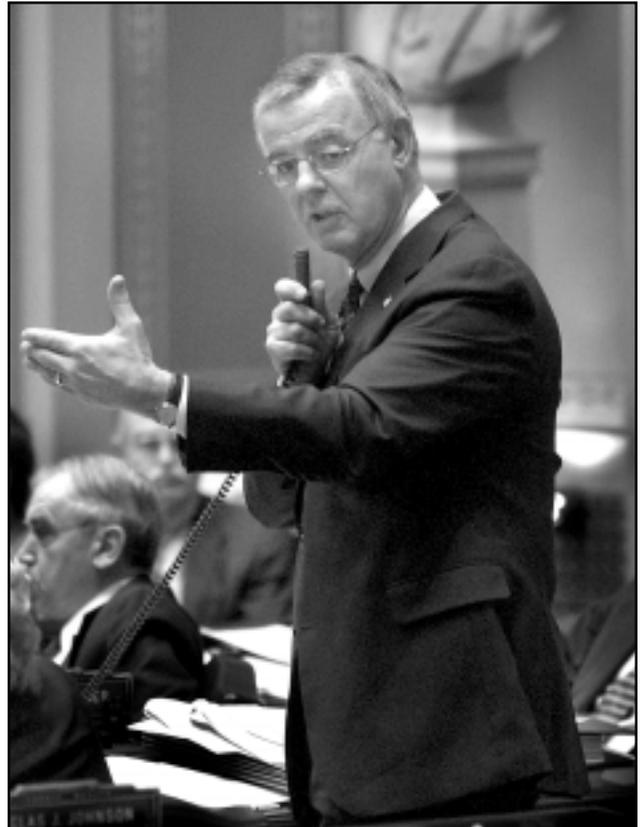
Other Senators aren't so sure. Sen. John Marty (DFL-Roseville) said, "I think it is possible a stadium will come out of this, but I wouldn't bet the farm on it. If you factor in infrastructure costs and the addition of a roof, the people of St. Paul may not want to pay a half billion dollars for a stadium."

Marty said his objections to the bill go beyond the details of the project. "The real issues are if it is the responsibility of government to subsidize private business owners and how much should citizens be required to pay for projects like this," he said. "I have been accused of being anti-stadium, and even anti-sports. I am a Twins fan and I have introduced legislation for a privately-funded ballpark. So, I'm not anti-stadium, just anti-subsidy."

"We are going to be facing a \$2 billion deficit in the next biennium, and the one big expenditure we passed this session is a stadium subsidy for a private business owner," Marty said.

Bill supporters said the needs of the Twins were factored in deliberations, but lawmakers emphasized the needs of state citizens came first. "It was important that the legislation wasn't written by the Twins," Scheid said.

Both Terwilliger and Scheid believe the Legislature has an ongoing role in the stadium construction process. Terwilliger said "We have the responsibility for the oversight of a complex piece of legislation. We have to make sure that the bill works."



**Sen. Roy Terwilliger**

"This isn't the last time we'll be asked to finance a stadium," Scheid added. In light of recent revelations that Minnesota Vikings owner Red McCombs said the Vikings would be sold or moved from the state if a new football stadium wasn't built, Scheid expressed disappointment. "We thought we did right by the Vikings," said Scheid, "We sent a strong signal."

Before ground is broken on a new baseball stadium, several major hurdles still exist. For St. Paul to qualify as a host city, voters must pass a referendum that will allow a 5 percent hotel, liquor and food tax in the city. A similar referendum was defeated in 1999. Because the Twins ownership remains in flux, there is no guarantee the current or future owners will agree to pay the \$120 million contribution. Nor is there any indication that owners will agree to a 30 year lease or that MLB will ensure the Twins will remain in Minnesota for 30 years. And many lawmakers continue to be troubled by both a possible MLB work stoppage later this summer and the obstinate lack of economic reform. "Major League Baseball's house is not in order," said Scheid.

While many challenges remain, the 2002 stadium financing plan represents the most progress that has been made to date. "We did our part," said Scheid.

# New Laws for 2002: 185 Passed

## From physical therapy rulemaking to medical malpractice and everything in between

by Karen L. Clark,  
Joshua A. Dorothy,  
Steve Holman and  
Matthew Wickman

During a legislative session noted for its length, there were times when some at the Capitol and across the state expressed the opinion that little was being accomplished. However, this session yielded a great many new laws and changes to current law. The following pages summarize some of the 185 bills passed by the Legislature during 2002.

The first chapter was number 219, presented to the governor Feb. 25, dealing with an extension of rulemaking authority for the Board of Physical Therapy. The last law passed, Chapter 403, regulates medical malpractice actions and modifies provisions relating to liens against real property.

A full listing of the chapters, organized by category, is available on pages 29-35. Indices for the laws, by Senate File and House File numbers, are available on pages 36-39.

### Bonding bill projects

One of the most hotly contended bills of the session, the capital investment bill, was also one of the last conference committee reports approved by the Legislature and sent to the governor. The new chapter, Chap. 393, sponsored by Sen. Keith Langseth (DFL-Glyndon) and Rep. Jim Knoblach (R-St. Cloud), contains allocations for bricks and mortar projects throughout the state. The Senate's original version of the bill totaled about \$1.076 billion, while the original House version was \$740 million. The compromise version, reflected in the conference committee report, totaled \$881 million in appropriations from general obligation bond proceeds, \$5.946 million in direct appropriations and cancellations of \$7.037 million. The final measure totaled \$880 million.

According to Langseth, the investments contained in the bonding bill emphasized higher education projects and natural resources projects, along

with funding for arts projects and transportation projects.

However, within days of passing the final version of the bill, the governor line-item vetoed \$356.72 million in appropriations. (See accompanying list.)

The version sent to the governor provided \$160.2 million for the University of Minnesota and \$209.56 million for the MnSCU system. The governor vetoed projects totaling \$48.3 million for the University and \$50.7 million for the MnSCU system.

The new chapter also contained \$768,000 for the Perpich Center for Arts

Education, \$12.4 million for the Red Lake School renovation, and \$1.5 million for asset preservation at the Minnesota State Academies. The governor vetoed funding for library accessibility grants, early childhood facility grants, the Southwest Metro Magnet School, the Minneapolis Planetarium, the Asian community center, the Colin Power Youth Leadership Center, Neighborhood House El Rio Vista and the Trollwood Performing Arts Center.

The Legislature approved \$101.6 million for Dept. of Natural Resources

### Bonding bill items vetoed

<b>Univ. of Minnesota</b>		Goodhue Pioneer Trail	\$475,000
Jones Hall	\$8 million	Fish Hatchery improvements	\$300,000
Translational Research Facility	\$24.7 million		
Teaching and Technology Center	\$3 million	<b>Arts</b>	
Morris campus	\$8.6 million	Bloomington Center for the Arts	\$1 million
Research and Outreach Centers	\$2.5 million	Children's Theatre Company	\$5 million
		Guthrie Theater	\$24 million
		Rochester Arts Center	\$1 million
<b>Minnesota State Colleges and Universities</b>			
Bemidji State Univ.	\$1 million	<b>Transportation</b>	
Fergus Falls Community College	\$760,000	Local roads	\$10 million
Hennepin Technical College	\$2 million	Routes of regional significance	\$10 million
Minn. State Univ.-Mankato	\$8.4 million	Port development assistance	\$3 million
Northeast Higher Ed. District	\$5.5 million	Freight access improvements	\$7 million
Southwest State Univ.	\$9.2 million	Greater Minnesota transit facilities	\$2 million
St. Cloud State Univ.	\$10 million	Statewide 800-MHz radio system	\$13 million
<b>Education</b>			
Library Access Grants	\$1 million	<b>Metropolitan Council</b>	
Minnesota Planetarium	\$9.5 million	Livable Communities grant program	\$9 million
Asian Community Center	\$1 million	Park and Ride facilities	\$500,000
Colin Powell Youth Leadership Center	\$700,000		
Neighborhood House	\$1.8 million	<b>Trade and Economic Development</b>	
Trollwood Performing Arts School	\$5.5 million	Wastewater infrastructure funding	\$30.6 million
Early childhood learning and child protection facilities	\$2 million	Greater Minn. Business Development Infrastructure grant program	\$12 million
		Mpls. Empowerment Zone projects	\$3 million
		Olivia Ctr. for Agricultural Innovation	\$1 million
<b>Natural Resources</b>			
Big Bog State Recreation Area	\$1.6 million	Minnesota Zoo	\$8.2 million
Red River State Recreation Area	\$2.9 million	Governor's Residence	\$4.3 million
Como Park Conservatory	\$2.7 million	National Volleyball Center	\$3 million
Greater Minnesota regional parks	\$4 million	Camp Ripley Anti-Terrorism Center	\$500,000
Reforestation	\$1.5 million	IRRRB - Mesabi Station	\$1.5 million
Shooting Star Trail	\$450,000	Historical Society preservation grants	\$300,000
Blazing Star Trail	\$600,000		

This list includes some of the items vetoed by the governor in this year's bonding bill. For a complete list, please go to the Senate website, <http://www.senate.mn>, or call the Senate Information Office, 651-296-0504 or 1-888-234-1112.

projects, but the governor reduced that figure to \$69.45 million. Bond proceeds appropriations for a variety of trails, dam improvements and work at the Como Conservatory were vetoed. The new chapter does contain \$30 million for flood hazard mitigation grants, although the governor has placed \$15 million of the total on hold.

In addition, the measure provides \$23.5 million for a state park repair initiative and \$6 million for metro regional parks.

A \$10 million appropriation for the closed landfill program was also included in the new chapter. The conference committee report provided \$3 million to the Minnesota Zoological Gardens for asset preservation and \$8.184 million for an Asia Trail. The funding for the Asia Trail fell to the governor's veto.

The new chapter also originally contained bond proceeds appropriations totaling \$8.25 million for the Amateur Sports Commission to provide funding for the national Sports Conference Center, the Mount Itasca Biathlon Facility and the National Volleyball Center in Rochester, but all of the projects were vetoed.

The governor also vetoed a \$1 million appropriation for the Bloomington Center for the Arts, a \$5 million bond proceeds appropriation for the Minneapolis Childrens Theater, a \$24 million bond proceeds appropriation for the Guthrie Theatre and a \$1 million appropriation for the Rochester Arts Center.

Appropriations for asset preservation efforts for the Dept. of Administration, the Dept. of Military Affairs, the Dept. of Corrections, the Veterans Home Board and the Dept. of Human Services were also contained in the conference committee report and all survived the governor's veto.

The new chapter also contains \$45 million for local bridge repair and renovation, however \$14 million of the appropriation has been placed on hold. In addition, the new chapter contains a \$20 million appropriation for a Northwest Metro busway. The new chapter does not contain any bond proceeds appropriation for the Northstar rail corridor, one of the more contentious issues in the discussions between House and Senate negotiators. A \$13 million appropriation for the statewide public

safety radio system, contained in the conference committee version of the bill, was also vetoed.

In the area of trade and economic development, the new chapter originally contained appropriations totaling \$84.05 million in bond proceeds appropriations for projects ranging from wastewater infrastructure grants, to the St. Paul Phalen Blvd. project, to the Olivia Agriculture Innovation Center and the St. Cloud Convention Center. Over \$68.6 million in projects were vetoed. The only surviving project is a \$16 million appropriation for the Public Facilities Authority wastewater matching funds.

### **Anti-terrorism provisions**

Shortly after the tragic events of Sept. 11, 2001, Legislators began meeting to determine what steps need to be taken in order respond to the threat of other terrorist attacks. After months of study and debate, a compromise anti-terrorism bill was passed by both the Senate and House of Representatives in the final hours of the Legislative Session.

The final version of the Minnesota Anti-Terrorism Act of 2002 is scaled back from the more sweeping provisions contained in the bills originally passed by each body. Conferees, led by Sen. Jane Ranum (DFL-Mpls.) and Rep. Rich Stanek (R-Maple Grove), were unable to reach agreement on Senate provisions increasing the telephone surcharge by 25 cents per month to finance improved communications between police and firefighters throughout the state and House provisions calling for color-coded drivers licenses for immigrants and roving wiretap authority for law enforcement.

The new law, Chap. 401, contains increased penalties for crimes involving weapons of mass destruction, explosives and hoaxes. In addition, the chapter creates new crimes and enhances penalties designed to deter and punish terroristic activities. The measure prohibits trespassing on critical public service facilities, prohibits placing explosive or simulated explosive devices near utilities and transportation facilities.

In addition, for the period between July 1, 2002 and June 30, 2003, the measure requires courts to order persons convicted of felony offenses to provide a

biological specimen for DNA analysis. The chapter also extends the public safety radio communication system, establishes a Homeland Security Advisory Council and provides for a 6 cent per month telephone surcharge. The telephone surcharge is expected to raise about \$4.2 million per year and is slated to maintain current financing of police and fire dispatch centers for the next biennium. The additional funds are then to be used for upgrades for the dispatchers and to help counties with the costs of the public safety radio communication system.

The Homeland Security Advisory Council is to advise the Dept. of Public Safety on issues relating to homeland security, to review and recommend changes to all terrorism preparedness and anti-terrorism policies and procedures and to ensure coordination and accountability of funding.

In addition, the new chapter provides \$13 million for equipment and training. Under the chapter, \$3.75 million is for the purchase of terrorism response-related equipment such as personal protection equipment, chemical detection and measurement equipment and decontamination equipment for first response units.

Further, \$7.5 million is for terrorism response related training with most of the appropriation earmarked for grants to local response units for approved certification and terrorism training. In addition, \$250,000 of the appropriation is to reimburse bomb disposal units, \$240,000 is for the conversion of the Rochester, Moorhead, and Duluth chemical assessment teams to combination emergency response/chemical assessment teams and \$105,000 is to provide that up to five members per chemical assessment team are available for response.

Finally, \$600,000 is to fund increased security for the Capitol Complex, \$150,000 is for the additional collection of biological specimens for DNA testing, \$400,000 is for grants to medical resource control centers that have been providing medical direction and coordination before Jan. 1, 2002, and \$5,000 is for updating the 2001 800-Megahertz Executive Team Report.

## AGRICULTURE AND ENVIRONMENT

### Biodiesel fuel content required

Sen. Steve Murphy (DFL-Red Wing) and Rep. Tim Finseth (R-Angus) authored Chap. 244, which requires the presence of at least 2 percent biodiesel fuel in all diesel fuel oil sold in Minnesota. Under the measure, the law takes effect 30 days after the state production capacity for biodiesel is greater than 8 million gallons and 18 months have passed since a federal action creates a 2 cent per gallon reduction in the price of diesel fuel containing at least 2 percent biodiesel or June 30, 2005. The law exempts from the requirement motors used at nuclear generation facilities, railroad locomotives, and off-road taconite and copper mining equipment and machinery. Also, the law specifies that distributors are eligible for a partial refund for eligible capital expenditures necessary to comply with the biodiesel mandate if the measure is repealed within eight years of its effective date. The measure was enacted without the governor's signature Mar. 15.

### Gross overlimit penalties set

One of the new laws this year, Chap. 270, sets new criminal and civil penalties for gross overlimit violations of game and fish laws. The new law, sponsored by Sen. Jane Krentz (DFL-May Township) and Rep. Bill Haas (R-Champlin), sets a gross misdemeanor penalty when the restitution value of the game or fish is more than \$1,000. If the restitution value is under \$500, current law applies, but if the value is between \$500 and \$1,000, the person's license may be seized and revoked for up to 3 years. In addition, the person's boat, motor and trailer may be seized. If the restitution value is over \$5,000, or if the violation is the second within 10 years and the restitution value is over \$500, all of the person's licenses may be seized and revoked for 5 years, the boat, motor and trailer may be seized and a gross misdemeanor penalty is set.

The restitution value of various species is set by rule promulgated by the commissioner of natural resources. The new chapter directs the commissioner to amend the rules for the restitution value

of canvas back ducks, trumpeter swans, perch and fingerlings. The new chapter takes effect Mar. 1, 2003, and applies to crimes committed on or after that date.

### Recycling change

A requirement that state agencies, local units of government and school districts have containers for at least three recycling materials was expanded under a new law, Chap. 312, passed this year. The new chapter, sponsored by Sen. Jane Krentz (DFL-May Township) and Rep. Dennis Ozment (R-Rosemount), applies the requirement to "public entities" and covers the state, including the legislature, metropolitan agencies, courts, counties, cities, school districts, towns, special taxing districts, and entities that receive state appropriations for capital improvements. The new law becomes effective Aug. 1, 2002.

### Phosphorous fertilizer regulated

Chap. 345 prohibits the application of phosphorous fertilizer to turf in a metropolitan county. The law also prohibits the application of granular fertilizer containing more than 3 percent phosphate or liquid fertilizer that has more than 0.3 pound phosphate per 1,000 square feet to turf in a non-metropolitan county.

Under the law, the prohibitions do not apply if there is insufficient levels of phosphorous in the soil to support healthy turf growth, during the first growing season when turf is first planted through sed or sod procedures or the fertilizer is used on a golf course. The law specifies that application of phosphorous fertilizer must not exceed the rates recommended by the University of Minnesota and approved by the commissioner.

The measure also requires consumer information on phosphorous fertilizer to be made available and research regarding the effects of phosphorous fertilizer on urban stormwater quality. The measure prohibits the application of phosphorous fertilizer on tar and concrete and allows non-metropolitan counties to prohibit the application of phosphorous fertilizer on turf.

The new law also specifies that the plant nutrients in a specialty fertilizer must not be below or exceed the guaranteed analysis by more than the investigational allowances established by

rule. The prohibition on phosphorous, authored by Sen. Linda Higgins (DFL-Mpls.) and Rep. Peggy Leppik (R-Golden Valley), goes into effect Jan. 1, 2004.

### Game and fish changes

Chap. 351, carried by Sen. Jane Krentz (DFL-May Township) and Rep. Dennis Ozment (R-Rosemount), makes numerous changes in the laws governing game and fish. The new law clarifies the aquatic life that may be raised on aquatic farms to include turtles, modifies littering provisions to include disposing of cigarette filters within a state park, temporarily removes restrictions on the production of planting stock and modifies timber permit, sale and lease provisions.

In addition, the new law creates a prairie chicken hunting license. Under the chapter, the eligibility for a prairie chicken license is limited to a state resident and persons born before Jan. 1, 1980 or possessing a firearms safety certificate. An application for a prairie chicken hunting license must be accompanied by a \$4 application fee; the license cost is \$20. The new law also modifies lifetime hunting licenses to authorize a lifetime firearm or archery deer hunting license. The chapter also sets the fee for a license to take two deer at \$75. The new law authorizes an all-season deer license that allows the resident to take one buck and one antlerless deer by firearm if the resident first obtains an antlerless deer permit. The new law also provides for game consumption at fund-raising events.

Another section of the new chapter provides for a trapper education program. The law provides that the commissioner must enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program that includes at least six hours of classroom and in-the-field training.

The new law modifies provisions to prohibit "shining" on fenced, agricultural land containing livestock or poultry that is marked with signs prohibiting the shining of lights. In addition, the chapter prohibits persons from projecting a spotlight or hand-held light onto residential property or building sites from a moving motor vehicle except for certain circumstances

relating to safety or performing an occupation duty. The new law also specifies that from the opening day of the duck season through the Saturday nearest Oct. 8, motorized decoys may not be used on public waters to take migratory waterfowl, other than geese.

Fishing and motorboats are prohibited in areas licensed by the commissioner as a private fish hatchery or aquatic farm under the new law. The new chapter also authorizes up to five additional fishing contests permits each year for contests on bodies of water that are 5,000 acres or more in size. However, the new chapter specifies that no more than one additional contest may be permitted on one body of water unless the permit applicant can demonstrate that the contest will provide economic benefits to the area, promote public awareness of fishing and conform to best management practices for the lake.

The new law also makes changes in statutes relating to turtle licenses. The chapter provides for a recreational turtle license and a turtle seller's apprentice license. In addition, the chapter prohibits interference with commercial or recreational turtle operations.

The new chapter provides for a review of the aquatic plant control permit program and provides for the enforcement authority and restoration requirements related to gathering or destroying aquatic plants.

Finally, the new law creates a motorized trail task force to review, advise and provide recommendations on the use and management of off-highway vehicles on state forest lands. The law specifies that the task force must report the recommendations by Jan. 15, 2003, to the commissioner and the Senate and House committees with jurisdiction over natural resources.

### **New wildlife management areas**

Sen. Roger D. Moe (DFL-Erskine) and Rep. Dennis Ozment (R-Rosemount) sponsored Chapter 353, a law that designates 102,315 acres of consolidated conservation (Con-Con) land as wildlife management areas (WMAs) and requires counties to spend at least 15 percent of the payment in lieu of taxes on rehabilitation and development in the Con-Con areas. The law also provides for the sale and exchange of specific Con-Con parcels.

In addition, the chapter establishes the designation of 90 miles of all-terrain vehicle trails on Con-Con land, restricts ATV operating times for firearms deer hunters to before and after legal shooting hours and between 11 a.m. to 2 p.m., and codifies warning procedures for ATV violations on certain WMA land.

Other provisions in the new law include a reduction in the percentage of the lottery in lieu of sales tax receipts allocated for natural resource programs from 88.5 percent to 87.1 percent and the creation of separate eight-member wildlife management area access working groups for Beltrami, Marshall, and Roseau Counties to identify and designate ATV trails.

### **Gypsy moth spraying**

In order to head off an expected hatch of gypsy moth larvae, Legislators fast-tracked a bill to clarify the prohibitions on spraying pesticides. The new law, Chap. 369, sponsored by Sen. Steve Murphy (DFL-Red Wing) and Rep. Tim Finseth (R-Angus), clarifies the prohibitions on the spraying of pesticides on humans to specify that the prohibition doesn't apply when the pesticide is meant for spraying on humans. In addition, the new laws authorizes pesticide applications for mosquito control operations conducted before June 30, 2003, and authorizes the use of biological agents for control of gypsy moths, forest tent caterpillars or other pest species. The new law also authorizes the use of pesticides to alleviate a public health risk. Under the new law, pesticides must be the least toxic available for the control of the target pest and there must be direct notification of the residents in the area.

## **BUSINESS AND COMMERCE**

### **Keg registration**

In an attempt to prevent abuse and limit unauthorized use, Chapter 232, authored by Sen. Don Betzold (DFL-Fridley) and Rep. Steve Dehler (R-St. Joseph), creates new regulations concerning beer kegs. The governor signed the bill into law Mar. 13. Licensed retailers are now required to attach an identification tag that includes the retailer name, address, phone number and unique keg identification number

for each beer keg that is sold. At the time of sale, retailers are also required to record the time and date of the beer keg purchase, a valid identification card number such as a driver's license, the beer keg identification number, and a purchaser's signature. The information must be retained by retailers for at least 90 days and be made available if requested by the appropriate authorities.

Removal of the identification tag by an individual other than a licensed retailer or peace officer is a criminal offense.

### **Autoglass insurance**

In an attempt to rein in ever-climbing autoglass replacement and repair prices, Sen. James Metzen (DFL-South St. Paul) and Rep. Ken Wolf (R-Burnsville) carried Chapter 283. The legislation requires automobile insurance providing autoglass coverage to pay for the repair or replacement of autoglass at a price that is "fair and reasonable within the local industry at large." To address autoglass industry concerns about insurers steering policyholders to certain service providers, at the exclusion of other glass shops, the measure also requires insurers to tell policyholders that they may go to any service provider they choose. A limit of \$35 on inducements offered by autoglass shops to lure customers, previously put in law in a similar attempt to contain prices, was repealed. Under Chapter 283, autoglass service providers are prohibited from providing any inducement to potential customers. The measure was vetoed by the governor, but the veto was overridden by the Legislature.

### **Excess insurance prohibited**

In order to prevent lenders from requiring property insurance on what amounts to expensive land, regardless of the value of the structures on that land, Sen. John Hottinger (DFL-Mankato) and Rep. Connie Ruth (R-Owatonna) sponsored Chapter 295. The measure prohibits lenders from requiring, and insurers from issuing, property insurance for an amount in excess of the replacement cost of the buildings and other covered improvements on the property.

### **Omnibus liquor bill**

The omnibus liquor bill, which primarily consists of authorizations to six

cities to issue new on-sale liquor licenses, was signed into law Apr. 4. Chapter 318, carried by Sen. James Metzen (DFL- South St. Paul) and Rep. Doug Stang (R-Cold Spring), also includes provisions that exempts liquor sales in hotel room mini-bars from days and hours of sale restrictions, and measures the minimum distance between state universities and liquor establishments by a direct line from the door of the main administration building to the main entrance of the establishment.

The law allows the city of Proctor to issue two additional on-sale liquor licenses, Albert Lea, three additional licenses, Eden Prairie, five licenses, West St. Paul, two licenses, Brainerd, five licenses, and Coon Rapids, six licenses.

### **Insurance Fraud Prevention Division established**

A Division of Insurance Fraud Prevention was created in the Department of Commerce by Chapter 331, carried by Sen. Linda Scheid (DFL-Brooklyn Park) and Rep. Gregory Davids (R-Preston). The division is empowered to conduct investigations, respond to complaints of insurance fraud, review reports of insurance fraud and report incidents of alleged insurance fraud to the attorney general, county attorneys and other law enforcement and regulatory agencies. The measure also requires insurers and insurance professionals to report suspected insurance fraud to the division and to cooperate with any investigations.

The legislation also includes a prohibition on the use of so-called runners, cappers and steerers. Such persons, in cooperation with health care providers, procure clients or patients with the knowledge that the provider intends to fraudulently perform health care services under a motor vehicle insurance policy. Under the measure, anyone employing, using or acting as a steerer, capper or runner is guilty of a felony and may be sentenced to up to three years in prison and a fine of up to \$6,000.

### **Phone solicitation regulation**

Unwanted telephone solicitation calls may be decreased under a new law that establishes a "do not call" list. Chap. 367, authored by Sen. Richard

Cohen (DFL-St. Paul) and Rep. Matt Entenza (DFL-St. Paul), provides for the establishment of the list, requires companies making telephone solicitation calls to purchase the list, and prohibits calls to persons on the list. Under the new law, the commissioner of commerce must set up the list for any residential subscriber who does not want telephone sales calls. Companies that use telephone solicitation are then prohibited from making calls to persons on the list.

However, the new law does make several exceptions. For instance, under the new law it is not considered solicitation if the caller has a prior or current business relationship with the subscriber, if the caller is calling on behalf of a nonprofit organization, or if the caller doesn't intend to complete the sale or transaction during the call. Finally, the new chapter requires Any caller who makes a telephone solicitation to a residential subscriber to state the caller's identity clearly at the beginning of the call and, if requested, the caller's telephone number.

### **Department of Commerce housekeeping provisions**

Health maintenance organizations (HMOs) will be able to raise the limits on annual deductibles and out-of-pocket expenses under a new law sponsored by Sen. Linda Scheid (DFL-Brooklyn Park) and Rep. Bill Haas (R-Champlin). Chapter 387, the Dept. of Commerce housekeeping legislation, allows small HMOs to raise the deductible limits to \$3,000 for individuals and \$6,000 for families. For large HMOs, the caps will rise to \$2,500 and \$4,500. For out-of-pocket expenses, the caps will be \$4,500 and \$7,500 for small HMOs and \$3,000 and \$6,000 for large HMOs. The law also provides for the licensing of nonresident cosmetologists, manicurists and estheticians.

### **School employee health plan study authorized**

The rapidly escalating costs school districts must pay for health insurance provided the impetus for one of the new chapters this year. Chap. 378, sponsored by Sen. LeRoy Stumpf (DFL-Thief River Falls) and Rep. Gregory Davids (R-Preston), establishes a committee to study the feasibility of a state-wide plan

for health insurance for school employees. The committee is directed, under the chapter, to gather information from health plans currently providing health coverage to eligible employers, whether the plan is insured or self insured. The study must address the issues of costs, coverage provided, financial feasibility and solvency, and management. In addition, the study must compare the purchase of fully insured coverage through a pooling arrangement, the use of a multiple employer welfare arrangement and coverage otherwise available to school districts through existing sources. The new chapter also specifies that the study must consider health insurance pools of various sizes, including a pool that would include all eligible employers as one option. Finally, the study must consider the desirability and effects of the pool on eligible employers of various sizes, financial resources, and geographic locations within the state. The study may consider the inclusion of nonpublic schools in the pool, including any limitations on plan design and effects on regulation and costs resulting from the inclusion of nonpublic employees.

After the study has been completed, the new law requires the committee to recommend specifications for a health insurance plan to serve eligible employees. The recommendation must include the new plan's structure, benefits, approximate premiums, governance, operations, solvency, and oversight. As an added method of holding down costs, the new law also requires that any recommended plan incorporate, as a key component, consumer education, including wellness programs and measures encouraging the wise use of health coverage, with the goal of premium reduction and cost containment. The measure provides an appropriation of \$670,000 to carry out the study and make recommendations.

## **CRIME PREVENTION AND JUDICIARY**

### **Juvenile court data provisions**

Chap. 233 deals with the statewide juvenile court supervision system. The law, authored by Sen. Jane Ranum (DFL-Mpls.) and Rep. Rich Stanek (R-Maple Grove) requires the Juvenile

Court to forward specific information in juvenile petitions for individuals under supervision by probation agencies or in an out-of-home placement to the statewide supervision system. The new law also requires the Department of Corrections, instead of the Bureau of Criminal Apprehension, to maintain the supervision system, adds a reference to juvenile data and directs the data to be accessible to all trial and appellate courts, not just District Courts. The new law went into effect Mar. 13.

### **Transit police powers expanded**

Chapter 291 expands the power of Metropolitan Transit Police and authorizes the employment of part-time transit police officers. The measure, carried by Sen. Don Betzold (DFL-Fridley) and Rep. Rich Stanek (R-Maple Grove), permits transit police to initiate investigations and assist local police in investigations that follow an arrest made by transit police. With the consent of local police, transit police may also assume responsibility for the subsequent investigation. Under the legislation, transit police may also apply for and execute search warrants. Part-time transit police officers are required to maintain their active peace officer license, under the measure, and transit police are included in the definition of peace officers.

### **Emergency vehicle obstruction**

In an attempt to further force drivers to yield the right-of-way to emergency vehicles that are performing emergency duties, Sen. Richard Cohen (DFL-St. Paul) and Rep. Matt Entenza (DFL-St. Paul) carried Chapter 319. The legislation toughens penalties on drivers who fail to comply with statutes requiring drivers to yield to emergency vehicles. Under the measure, a driver who fails to yield is guilty of a petty misdemeanor and a driver who intentionally fails to yield the right-of-way is guilty of a misdemeanor. Peace officers are also authorized to arrest drivers if the peace officers have probable cause to believe the drivers have not yielded the right-of-way. Under the measure, a peace officer need not have witnessed the failure to yield. Rather, probable cause may be established by a report of failure to yield filed by a crewmember of an emergency vehicle.

### **Offenders to pay expenses**

Under Chapter 322, offenders convicted of crimes and confined in a county jail, workhouse or other correctional facility may be required to pay the costs of their confinement—including room, board, clothing and medical and dental services. The measure, sponsored by Sen. Leo Foley (DFL-Coon Rapids) and Rep. Maxine Penas (R-Badger), provides that county boards may require the offender to pay the costs while serving the sentence or after the sentence has been discharged. If the county sheriff determines that the offender is unable to pay the costs, payment of the costs would create an undue hardship for the offender's family, the prospects for payment are poor or there are extenuating circumstances, the sheriff may waive the requirement to pay. Under the legislation, court-ordered restitution payments must be made before the offender can be required to pay the costs of incarceration.

### **Limited driver's license for child support obligors okayed**

Individuals who have had their driver's license revoked for non-payment of support may be granted a limited license, under Chap. 344, if specific conditions are met.

The new law, sponsored by Sen. Thomas Neuville (R-Northfield) and Rep. Lynda Boudreau (R-Faribault), authorizes the commissioner of public safety to issue the limited licenses if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license, if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker, or if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license. In addition, the new chapter provides that the commissioner may limit the license to particular vehicles, to particular classes, or particular times of operation. The limited license must expire in 90 days and, under the new law, the commissioner is prohibited from issuing more than one limited license. In addition, the commissioner may charge a fee of \$20 for the limited license.

The new law also contains a number of sections conforming medical support provisions with federal law and several other sections clarifying payment agreement provisions.

### **Penalties set for persons taking responsibility for crimes**

One of this year's new laws, Chap. 348, sets penalties for persons who promote, advocate and take responsibility for criminal acts with the intent to obstruct or prevent a criminal investigation. Under the new law, unless convicted for the underlying crime, a person who takes responsibility may be sentenced to up to one half of the maximum sentence and fined up to one half of the maximum fine that could be imposed on the offender for the original criminal act.

The new law, sponsored by Sen. Dave Kleis (R-St. Cloud) and Rep. Tom Workman (R-Chanhassen), also provides for civil liability for persons, other than the owner, designee or agent, who damage or destroy any field crop, animal, organism or cell that is grown for testing or research purposes. Under the provision, a person who violates the law is liable for three times the value of the crop, animal, organism or cell.

In addition, the new law provides that the court must consider the market and research value and the development costs directly related to the crop, animal, organism or cell that was damaged or destroyed. The court may also award up to \$100,000 to compensate for delays in completing testing or research resulting from the damage or destruction.

## **GENERAL**

### **State photograph designated**

Chap. 255 designates "Grace"—a famous photograph of an elderly man praying taken in Bovey, Minnesota—as the state photograph and requires it to be displayed in the Office of the Secretary of State. The photo was taken by Eric Enstrom in 1918. The measure was authored by Sen. Bob Lessard (IND-Int'l Falls) and Rep. Loren Solberg (DFL-Bovey).

### **Public TV grants**

Chapter 280, vetoed by the governor, provides a total of \$7.8 million in

grants to 10 public television stations across the state. The veto was overridden on Apr. 7. The intent of the bill, sponsored by Sen. Keith Langseth (DFL-Glyndon) and Rep. Dave Bishop (R-Rochester), is to assist the stations' conversion to a digital broadcast signal.

Also included in the new law is a \$7.8 million appropriation from bond proceeds to the Metropolitan Council to design and construct bus garages. The chapter does not specify the locations of the garages.

### **Electronic voting okayed**

Members of electric and telephone cooperative associations may now vote by electronic means, under Chapter 303, carried by Sen. Steve Murphy (DFL-Red Wing) and Rep. James Clark (R-New Ulm). The legislation requires cooperatives that use electronic voting to be able to authenticate that it is actually the member who is casting the electronic ballot. Electronic voting, under the measure, must also be authorized by the cooperative's board before it can be utilized by the association. Members of cooperative associations previously were required to attend members' meetings or vote by mail, if a mail vote was authorized by the cooperative's board.

### **Uniform Athlete Agents Act**

Chapter 332, authored by Sen. Deanna Wiener (DFL-Eagan) and Rep. Peggy Leppik (R-Golden Valley), requires athlete agents wishing to represent student-athletes in negotiating a professional sports contract to register with the commissioner of commerce. The chapter was drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and is expected to be signed into law in 22 other states this year. The new law, signed by the governor Apr. 10, provides protection for both student-athletes and higher education institutions from unscrupulous behavior by athlete agents.

The law also regulates agent conduct, describing the rules under which an agreement may be signed with a student-athlete, the procedure for notifying a school of a signed agent contract, and provides for a 14-day period after signing a contract in which a student athlete may cancel the contract. Additionally, agents in violation of the law are guilty of a gross

misdemeanor, and could be liable for civil and administrative penalties.

### **Fireworks legalized**

For the first time in 60 years, non-aerial, non-explosive fireworks will be legal in Minnesota under a new law signed by the governor Apr. 29. Chapter 350, sponsored by Sen. Debbie Johnson (R-Ham Lake) and Rep. Tom Hackbarth (R-Cedar), continues to prohibit major explosive fireworks such as firecrackers, bottle rockets and roman candles, but allows the sale and use of smaller novelty items such as wire or wood sparklers, snakes, glow worms, smoke devices, and small trick noise-makers like paper streamers, party poppers, string poppers, snappers, and drop pops.

The new law restricts use of fireworks to private property, and requires fireworks purchasers to be at least 18 years old.

### **Internet privacy**

Internet service providers (ISPs) are prohibited from disclosing personal information about their consumers, without permission, under a new law. Authored by Sen. Steve Kelley (DFL-Hopkins) and Rep. Tim Pawlenty (R-Eagan), Chapter 395 requires ISPs to include conspicuous language stating that authorization for disclosure of consumer information is obtained by either an opt-in or an opt-out method. The law also requires commercial e-mail messages to include "ADV" or "ADV-ADULT" as the first characters in the subject line of the message. Senders of commercial e-mail messages, under the law, must also establish a toll-free telephone number or an easy-to-use electronic method for recipients of the messages to request that the sender no longer transmit commercial e-mail messages to them.

### **Campaign finance**

Chapter 363 makes various changes to campaign finance provisions, as recommended by the Campaign Finance and Public Disclosure Board. The legislation eliminates many criminal penalties for violations of campaign finance laws and replaces the penalties with civil fines of either \$1,000 or \$3,000 depending on the nature of the infraction. The law, sponsored by Sen.

John Hottinger (DFL-Mankato) and Rep. Jim Rhodes (R-St. Louis Park), also permits a candidate to choose to be released from expenditure limits for the general election because of the conduct of a primary election opponent. If the candidate chooses to be released, under the new law, general election opponents are also released from the limits.

## **HEALTH AND HUMAN SERVICES**

### **Hospice provider regulation**

The regulation of hospice providers is separated from other home care providers under Chapter 252. The new law, authored by Sen. Linda Berglin (DFL-Mpls.) and Rep. Kevin Goodno (R-Moorhead) also sets forth a hospice bill of rights for the benefit of individuals receiving hospice care. The new chapter sets forth the licensing requirements, penalties and enforcement of hospice care providers.

Under the new law an individual who receives hospice care and the individual's family have the right to receive written information about their rights in advance of receiving care or during the initial evaluation before hospice care begins. As outlined in the new law, the bill of rights includes the right to receive care and services according to a suitable hospice plan of care subject to accepted hospice care standards and to take an active part in creating and changing the plan and evaluating care and services. In addition, individuals and their families have the right to be told in advance about the services that will be provided, the disciplines that will furnish care, the frequency of visits, other choices that are available, the consequence of those choices and the consequences of refusing those services. Individuals also have the right to be told in advance of any change in the hospice plan of care and to take an active part in any change, to refuse services or treatment, to know, in advance, any limits to the services available from a provider and the providers' grounds for a termination of services and to know in advance whether the services are covered by health insurance, medical assistance or other health programs, and the charges that the individual may have to pay.

Other portions of the bill of rights include the right to know what the charges are for services no matter who will be paying the bill, to know that there may be other services available in the community and to know where to go for information about those services, to choose freely among available providers and change providers within the limits of health insurance, medical assistance or other health programs, to have personal, financial and medical information kept private and be advised of the provider's policies and procedures regarding disclosure of such information, be allowed access to records and written information according to the Data Practices Act, to be served by people who are properly trained and competent to perform their duties, to be treated with courtesy and respect, to be free from physical and verbal abuse and to have reasonable advance notice of changes in services or charges, including at least ten days' advance notice of termination of a service by a provider.

Finally, the individual has the right to a coordinated transfer when there will be a change in the provider of services, to voice grievances regarding treatment or care that is, or fails to be furnished, to know how to contact an individual who is responsible for handling problems and to have the provider investigate and attempt to resolve grievances or complaints, to know the name and address of the agency to contact for additional information, to assert the rights and to have pain and symptoms managed to the patient's desired level of comfort.

### **Nursing regulations**

Chapter 272, authored by Sen. Ellen Anderson (DFL-St. Paul) and Rep. Larry Howes (R-Walker), regulates the amount of overtime nurses may work and prohibits employer retaliation if nurses decline to work overtime hours for the sake of patient safety. The legislation, signed into law Mar. 25, arose from concern that nurses were forced to work excessive overtime hours, potentially affecting patient safety.

The law states that except in an emergency situation, if a nurse believes additional overtime work may jeopardize patient care, the employer can not take action against the nurse. Certain facilities are excluded from the provision. The law also requires employers to

post a notice that summarizes the intent of the law.

Additionally, the law allows licensed nurses in good standing in bordering states to practice in Minnesota and seeks similar reciprocity for Minnesota nurses.

### **Portable wading pools defined**

One of the new laws this year, Chap. 279, attempts to address a controversy over wading pools. The measure defines portable wading pools that are located at a family day care or group family day care home, or at a home at which child care services are provided, as a private residential pool. Such wading pools are not, according to the measure, classified as public pools. To be classified as a private residential pool, the wading pool must have a depth of no more than 24 inches and be capable of being manually emptied and moved. The law also changes the definition of "child care services" to mean the provision of "child care" as defined in current law, defines "service period" as the biweekly period used by the child care assistance program for billing and payment purposes and changes the income formula to receive assistance for at-home infant child care to be the annualization of the income received only during the period in which the family is participating in the care program. Sen. Arlene Lesewski (R-Marshall) and Rep. Richard Mulder (R-Ivanhoe) authored the new law.

### **Communicable disease disclosure required**

Sen. Sheila Kiscaden (R-Rochester) and Rep. Barb Sykora (R-Excelsior) authored a new law, Chap. 290, requiring public and private entities that place a child or adult with a known communicable disease with a licensed foster care provider to disclose to the license holder the individual's disease. The measure requires the entities to determine if the provider has the ability to provide care to the individual. The new law also changes current law—that states that the court has jurisdiction in a case where adoption is the intention—to specify the court has jurisdiction "until the child's adoption is finalized, the child is 18 years of age or the child is otherwise ordered discharged from the jurisdiction of the court."

### **Day care swimming pool requirements established**

Chap. 333 specifies that a swimming pool at a family day care or group family day care home is not considered a public pool and is exempt from the requirements for public pools in current law. The new law, sponsored by Sen. Deanna Wiener (DFL-Eagan) and Rep. Tim Wilkin (R-Eagan), lists 21 requirements a provider must meet before allowing children to use the pool. Under the law certain requirements only apply at times children cared for at the day care are present. The measure also provides immunity for municipalities unless there was knowledge of the provider's failure to meet licensing standards that resulted in a dangerous condition.

### **Anatomical donations**

Sen. Jane Ranum (DFL-Mpls.) and Rep. Phyllis Kahn (DFL-Mpls.) authored Chap. 349, which deals with anatomical donations. The measure adds to current law by requiring the anatomical donation application form to include the legal implications of donating, including the law governing revocation of anatomical gifts.

The law requires a notice to be distributed that accompanies all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared with the help of a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services. It must include a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, the importance of informing family members of the donation decision and a telephone number in a certified Minnesota organ procurement organization that may be called if the potential donor has questions regarding donation.

The bill also, under a second section called the "Darlene Luther Anatomical Gift Act," changes current law to specify that an organ donation made by will, driver's license designation, health care directive or Minnesota identification card designation—and not revoked by the potential donor—cannot be overridden by any other person. The new law further clarifies that a donor can only

revoke a donation through a signed statement, an oral statement made in the presence of two individuals, any form of communication made to a health care professional or a member of the clergy during a terminal illness or injury or a signed statement to a specified donee to whom a document of gift had been delivered. The first section of the law is effective December 1, 2002, and applies to application forms distributed on or after that date. The second section is effective the day following final enactment and applies to documents of gifts executed before, on, or after the day after the bill was signed of April 24, 2002.

### **Epinephrine availability**

Persons who suffer extreme reactions to bee and wasp stings or other severe allergic reactions, will be able to get prompt treatment from emergency personnel because of a provision in a new law enacted this year. Chap. 362, authored by Sen. Deanna Wiener (DFL-Eagan) and Rep. Jim Abeler (R-Anoka), requires the Emergency Medical Services Regulatory Board, in cooperations with the Minnesota Nurses Association, the Minnesota Medical Association, the American College of Emergency Physicians and the Minnesota Ambulance Association to establish a plan under which epinephrine is available on emergency ambulance calls made after Sept. 1, 2002.

The new law also establishes requirements under which registered nurses may prescribe legend drugs according to a protocol and registered and licensed practical nurses may administer vaccines according to a protocol. In addition, the new chapter allows waivers of the certification requirement to practice as an advanced practice registered nurse, for a limited period, if specific criteria are met.

### **Radiation therapy facilities**

Chapter 384 requires that any major spending commitment by a health care provider related to a new radiation therapy facility must be reviewed by the Department of Health, if the new facility will be within ten miles of an existing facility. The law requires the review of the proposed facility to whether the

spending commitment is appropriate by examining the impact on the cost, access and quality of health care. Sponsored by Sen. Don Samuelson (DFL-Brainerd) and Rep. Kevin Goodno (R-Moorhead), the law also requires the Joint Task Force on Health Care Costs and Quality to report to the Legislature on the effectiveness of the review process in reducing health care costs or improving health care quality.

### **Emergency health powers**

The Emergency Health Powers Act, Chapter 402, specifies the powers and duties of the governor and commissioner of health during a public health emergency. The law permits the governor to declare national security or peacetime emergencies due to public health emergencies and establishes consultations requirements during such emergencies.

Emergencies declared under the law automatically terminate after 30 days, unless renewed by the governor. However, the Legislature may at any time terminate an emergency, by majority vote of both bodies. A termination by the Legislature, under the law, overrides any renewal by the governor.

Among the powers granted to the governor are powers to ensure the safe disposition of dead human bodies, to commandeer medical supplies and facilities and to isolate and quarantine individuals. The law also affirms the right of individuals to refuse treatment during an emergency and the right of family members to choose to enter an isolation or quarantine area. The law was sponsored by Sen. John Hottinger (DFL-Mankato) and Rep. Richard Mulder (R-Ivanhoe).

## **TRANSPORTATION**

### **Organ donor education**

An effort to encourage organ donation, and designation of donation on driver's license, was codified as Chapter 305. The measure, carried by Sen. Linda Scheid (DFL-Brooklyn Park) and Rep. Carol Molnau (R-Cologne), requires the Department of Public Safety (DPS) to adopt rules requiring instruction regarding organ and tissue donation

as part of driver education programs offered by public schools, private schools and commercial driver training schools. The legislation also requires future editions of the driver's manual, published by DPS, to include information on the shortage of organs and tissues for transplant, basic facts about donation, the use of the driver's license to signal donor intent and the importance of discussing organ donation with a donor's family.

### **Segway regulations**

An individual using an electric personal assistive mobility device, also known as a "Segway," is granted the same rights as a pedestrian under legislation that was signed into law Mar. 26. The main provisions of Chapter 285, authored by Sen. Satveer Chaudhary (DFL-Fridley) and Rep. Tom Workman (R-Chanhassen), exempt Segways from motor vehicle licensing and registration requirements and allow operation of the devices on sidewalks and bicycle paths. The devices are also exempt from motor vehicle traffic laws.

Segways, which are required to have reflectors on the front, back and wheels of the device, are prohibited on any roadway with a speed limit over 35 miles per hour. However, local governments may pass regulations that allow Segway use on such roadways.

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### **Bills, maps available**

Copies of all bills enacted into law are available from the Senate Information Office or on the Senate web site. Interested persons may also examine the new district maps ordered by the five-judge judicial panel on redistricting.

The Senate Information Office is in the Capitol, Room 231. You may call the office, at 651-296-0504, or toll-free, 1-888-234-1112. The office also maintains TTY numbers: 651-296-0250, or toll-free, 1-888-234-1216.

The Senate web site is <http://www.senate.mn>

Detailed redistricting maps and other redistricting data can be found on the web site of the Legislature's Geographic Information Systems Office, <http://www.commissions.leg.state.mn.us/gis/html/plans2002.html>

# 2002 Session Laws

All the bills passed by the Legislature during the 2002 regular session.

## Agriculture, General Legislation and Veterans Affairs

### Chapter 244, H.F. 1547-Finseth, S.F. 1495\*-Murphy.

Requires diesel fuel sold in the state after a certain date for use in internal combustion engines to contain a two percent biodiesel fuel oil by volume and defines biodiesel fuel.

Enacted without signature 03/15/02. Effective date: 08/01/02.

### Chapter 255, H.F. 1097-Solberg, S.F. 1072\*-Lessard.

Designates the photograph Grace as the state photograph.

Signed by the governor: 03/22/02. Effective date: 08/01/02.

### Chapter 284, H.F. 3274\*-Blaine, S.F. 3068-Murphy.

Provides certain protections to persons called or ordered to active service. Signed by the governor: 03/26/02. Effective date: Retroactive to 09/11/01.

### Chapter 308, H.F. 3221-Eastlund, S.F. 3145\*-Foley.

Revises the Minnesota code of military justice, defines or redefines terms, updates language, and removes certain references indicative of the navy. Signed by the governor: 04/01/02. Effective date: 08/01/02.

### Chapter 313, H.F. 2647-Erickson, S.F. 2569\*-Stevens.

Clarifies that rebates of federal taxes and state sales taxes may not be considered a means of support for Veterans Homes discretionary admissions. Signed by the governor: 04/04/02. Effective for rebates paid after 06/30/01.

### Chapter 369, H.F. 3719-Finseth, S.F. 3463\*-Murphy.

Clarifies the prohibition on certain applications of pesticides. Signed by the governor: 05/10/02. Effective date: 05/11/02.

Chapter 373, H.F. 3183\*-Finseth, S.F. 3219-Murphy. Dept. of Agriculture housekeeping provisions. Signed by the governor: 05/17/02. Effective date: Various.

### Chapter 383, H.F. 3406-Schumacher, S.F. 3256\*-Stevens.

Modifies limits on the sale of prepared foods at community events or farmers' markets. Signed by the governor: 05/20/02. Effective date: 05/21/02.

## Capital Investment

Chapter 393, H.F. 3618\*-Knoblach, Langseth. Omnibus bonding bill. Signed by the governor: 05/22/02 with line item vetos. Effective date: Various.

## Commerce

Chapter 232, H.F. 58\*-Dehler, S.F. 389-Betzold. Prescribes standards for identification of beer kegs, prohibits off-sale beer retailers from selling beer kegs without an identification label or tag and specifies certain label or tag requirements. Signed by the governor: 03/13/02. Effective date: 08/01/02.

### Chapter 234, H.F. 2783\*-Davids, S.F. 2671-Scheid.

Regulates no-fault auto insurance residual liability. Signed by the governor: 03/14/02. Effective date: 03/15/02.

### Chapter 239, H.F. 2629\*-Stanek, S.F. 2913-Limmer.

Authorizes retired licensed architects, engineers, land surveyors, landscape architects, geoscientists and interior designers to use retired professional designations. Signed by the governor: 03/14/02. Effective date: 08/01/02.

### Chapter 245, H.F. 2612\*-Rhodes, S.F. 2562-Scheid.

Modifies the certified signature requirement of licensed architects, engineers, land surveyors, landscape architects or geoscientists or certified interior designers. Signed by the governor: 03/15/02. Effective date: 03/16/02.

### Chapter 249, H.F. 2766\*-Haas, S.F. 2475-Hottinger.

Removes the expiration date for a provision requiring motor vehicle fuel franchisors selling or transferring ownership of marketing premises occupied by franchisees to offer the franchisees certain rights contained in federal regulations. Signed by the governor: 03/21/02. Effective date: 03/22/02.

### Chapter 261, H.F. 3462-Mulder, S.F. 3080\*-Rest.

Requires preneed funeral arrangement trust account depositors to annually report to beneficiaries of the accounts the amount and disposition of funds in the account. Signed by the governor: 03/22/02. Effective date: 01/01/03.

Chapter 274, H.F. 1413-Tuma, S.F. 1226\*-Sams. Guarantees entitlement to full medical expense benefits to persons entitled to basic economic loss benefits under the no-fault automobile insurance law. Signed by the governor: 03/25/02. Effective date: 06/30/02.

Chapter 283, H.F. 2570\*-Wolf, S.F. 2553-Metzen. Regulates automobile glass claims practices. Vetoed. Veto overridden: 03/27/02. Effective date: 03/28/02

### Chapter 286, H.F. 3078-Stang, S.F. 2821\*-Scheid.

Regulates the conduct of real estate industry licensees, modifies disclosures, and regulates records retention requirements. Signed by the governor: 03/26/02. Effective date: 08/01/02.

### Chapter 295, H.F. 3222-Ruth, S.F. 2953\*-Hottinger.

Prohibits excess fire insurance coverage. Signed by the governor: 03/26/02. Effective date: 03/27/02.

Chapter 306, H.F. 3070-Holberg, S.F. 2697\*-Rest. Specifies certain disclosure requirements of sellers of residential real estate relating to adverse physical conditions potentially adversely and significantly affecting the rights and interests of the purchaser. Signed by the governor: 04/01/02. Effective date: 01/01/03.

### Chapter 307, H.F. 3492-Davids, S.F. 3315\*-Scheid.

Modifies provisions relating to the Joint Underwriting Association. Signed by the governor: 04/01/02. Effective date: Various.

Chapter 318, H.F. 3058-Stang, S.F. 2739\*-Metzen. Omnibus liquor bill. Signed by the governor: 04/08/02. Effective date: 04/09/02.

### Chapter 326, H.F. 3464-McElroy, S.F. 3174\*-Kelley.

Creates a small business category under the Money Transmit-

ter Act. Signed by the governor: 04/08/02. Effective date: 04/09/02.

**Chapter 330, H.F. 2988\*-Haas, S.F. 3023-Scheid.** Regulates insurance licenses, fees, rates, practices, and coverages and provides for health care administrative simplification. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 331, H.F. 3497-Davids, S.F. 3015\*-Scheid.** Establishes the division of insurance fraud prevention in the Dept. of Commerce, specifies powers and duties and creates the crime of the employment of runners, cappers or steerers. Signed by the governor: 04/10/02. Effective date: Various.

**Chapter 336, H.F. 2763-Entenza, S.F. 2592\*-Oliver.** Authorizes the reorganization of a mutual insurance holding company into a stock company. Signed by the governor: 04/16/02. Effective date: Various.

**Chapter 339, H.F. 2751-Stang, S.F. 2650\*-Samuelson.** Modifies the regulation of credit unions. Signed by the governor: 04/16/02. Effective date: 08/01/02.

**Chapter 342, H.F. 3257-Davids, S.F. 2988\*-Metzen.** Omnibus bank bill. Modifies provisions relating to financial institutions detached facilities, charges and fees and mortgage repayment penalties. Signed by the governor: 04/17/02. Effective date: Various.

**Chapter 357, H.F. 2492-Davids, S.F. 2363\*-Johnson, David.** Limits the use of credit scoring by homeowner and automobile insurers. Signed by the governor: 05/01/02. Effective date: 08/01/02.

**Chapter 367, H.F. 2710-Entenza, S.F. 3246\*-Cohen.** Regulates telephone solicitation calls. Signed by the governor: 05/15/02. Effective date: Various.

**Chapter 387, H.F. 2989-Haas, S.F. 3024\*-Scheid.** Dept. of Commerce housekeeping provisions and regulates insurance coverages and deductibles offered by health maintenance organizations. Signed by the governor: 05/22/02. Effective date: Various.

## Crime Prevention

**Chapter 222, H.F. 3049-Tuma, S.F. 3019\*-Ranum.** Expands the predatory offenders registration requirement. Signed by the governor: 02/28/02. Effective date: 03/01/02.

**Chapter 267, H.F. 3362-Stanek, S.F. 3109\*-Schwab.** Authorizes municipal police departments to use black patrol vehicles. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 268, H.F. 2662-Stanek, S.F. 2611\*-Ranum.** Adopts the new Interstate Compact for Adult Offender Supervision. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 269, H.F. 1934-Stanek, S.F. 1030\*-Wiger.** Ratifies and enacts the National Crime Prevention and Privacy Compact to provide a legal framework for the establishment of a cooperative federal-state system for the exchange of criminal history records. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 282, H.F. 3579-Holberg, S.F. 3073\*-Knutson.** Clarifies the standard for a misdemeanor violation of an order for protection or no contact orders. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 291, H.F. 3080-Stanek, S.F. 3055\*-Betzold.** Modifies provisions relating to the Metropolitan Transit

Police. Signed by the governor: 03/26/02. Effective date: 03/27/02.

**Chapter 301, H.F. 2842-Tuma, S.F. 3244\*-Schwab.** Authorizes electronic signatures on certain laboratory blood sample reports. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 314, H.F. 2840-Clark, J., S.F. 2580\*-Foley.** Clarifies that civil hearings relating to driving while impaired (DWI) do not to give rise to an estoppel on issues resulting from the same set of circumstances in any criminal prosecution. Signed by the governor: 04/04/02. Effective date: Various.

**Chapter 319, H.F. 2706\*-Entenza, S.F. 3076-Cohen.** Imposes penalties for failure to yield the right-of-way to or for obstructing emergency vehicles displaying flashing lights and sounding a siren. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 321, H.F. 3034-Holberg, S.F. 2949\*-Betzold.** Modifies procedures for criminal background checks of school bus drivers, authorizes Dept. of Public Safety cooperation with the Federal Bureau of Investigation and expands the definition of public criminal history data. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 322, H.F. 2841-Penas, S.F. 2533\*-Foley.** Authorizes county boards to require criminal offenders confined in county jails, workhouses or correctional or work farms to pay room, board, clothing and medical, dental and other correctional services costs. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 352, H.F. 2618\*-Holberg, S.F. 3373-Knutson.** Regulates the dissemination of data between schools, law enforcement, and the juvenile justice system. Signed by the governor: 05/01/02. Effective date: 08/01/02.

**Chapter 381, H.F. 3304-Tuma, S.F. 2433\*-Betzold.** Expands the definition of criminal sexual conduct relating vulnerable adults and special transportation service providers. Signed by the governor: 05/21/02. Effective date: Various.

**Chapter 385, H.F. 3613-Tuma, S.F. 3172\*-Knutson.** Requires 10 year condition release for repeat sex offenders regardless of the state in which the offense was committed and enhances penalties for harassment and stalking crimes. Signed by the governor: 05/21/02. Effective date: 08/01/02.

**Chapter 401, H.F. 2515\*-Goodno, Ranum.** Minnesota Anti-terrorism Act of 2002. Signed by the governor: 05/22/02. Effective date: 07/01/02.

## Education

**Chapter 230, H.F. 2748-Westrom, S.F. 2573\*-Berg.** Authorizes ISD #801, Browns Valley, to begin the school year before labor Day to accommodate high school students enrolled in Sisseton, S.D., and Sisseton elementary students enrolled in Browns Valley. Signed by the governor: 03/13/02. Effective date: 03/14/02.

**Chapter 332, H.F. 2719\*-Leppik, S.F. 2827-Wiener.** Uniform Athlete Agents Act. Provides for regulation of student athlete agents. Signed by the governor: 04/10/02. Effective date: 01/01/03.

**Chapter 334, H.F. 2835-Dawkins, S.F. 3028\*-Kelley.** Authorizes the Minnesota Commission on National and Community Service to create and delegate duties to a private,

nonprofit corporation. Signed by the governor: 04/12/02. Effective date: 04/13/02.

**Chapter 378, H.F. 1868-Davids, S.F. 1755\*-Stumpf.** Establishes a committee to gather information and make recommendations for the design of a school employee health insurance plan. Signed by the governor: Veto override 05/18/02. Effective date: 05/19/02.

**Chapter 391, H.F. 2598\*-Cassell, S.F. 2411-Reiter.** Requires recitation of the pledge of allegiance in all public schools. Vetoed.

## **Environment and Natural Resources**

**Chapter 225, H.F. 3116\*-Ozment, S.F. 2822-Vickerman.** Modifies certain provisions governing the environment and natural resources trust fund. Signed by the governor: 03/07/02. Effective date: 03/08/02.

**Chapter 253, H.F. 3275-Gerlach, S.F. 2932\*-Krentz.** Authorizes and provides for the Pollution Control Agency to encourage citizen monitoring of ambient quality of state waters. Signed by the governor: 03/22/02. Effective date: 08/01/02.

**Chapter 265, H.F. 2792\*-Ozment, S.F. 2575-Price.** Provides for the indemnification of local government units operating or participating in household hazardous waste management programs under a contract with the pollution control agency (PCA). Signed by the governor: 03/22/02. Effective date: 03/23/02.

**Chapter 270, H.F. 94-Haas, S.F. 222\*-Krentz.** Establishes a criminal penalty for gross overlimit taking, possessing or transporting wild animals in closed seasons and with a restitution value of over a certain dollar amount. Signed by the governor: 03/25/02. Effective date: 03/01/03.

**Chapter 293, H.F. 2889-Howes, S.F. 2933\*-Kinkel.** Allows installation of certain individual sewage treatment systems. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 312, H.F. 3519-Ozment, S.F. 2675\*-Krentz.** Expands the recyclable material container requirements for state agencies and local government units to public entities and requires state motor vehicles to use clean fuels. Signed by the governor: 04/04/02. Effective date: 08/01/02.

**Chapter 323, H.F. 2684-Hackbarth, S.F. 2678\*-Higgins.** Makes technical changes and modifications in provisions relating to the Dept. of Natural Resources. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 324, H.F. 3432-Holsten, S.F. 3352\*-Lessard.** Amends provisions of the Dry Cleaner Environmental Response and Reimbursement Law. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 325, H.F. 3209-Holsten, S.F. 3054\*-Tomassoni.** Modifies provisions relating to petrofund contractors and consultants and modifies application requirements for certain petrofund reimbursements. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 327, H.F. 1763-Olson, S.F. 1811\*-Ourada.** Authorizes and provides for the transfer of public drainage systems from drainage authorities to water management authorities. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 345, H.F. 1524-Leppik, S.F. 1555\*-Higgins.** Regulates the use of fertilizers containing phosphorous. Signed

by the governor: 04/19/02. Effective date: Various.

**Chapter 351, H.F. 2920-Ozment, S.F. 2674\*-Krentz.** Omnibus game and fish provisions. Signed by the governor: 04/29/02. Effective date: Various.

**Chapter 353, H.F. 1359-Ozment, S.F. 2125\*-Moe, R.D..** Modifies provisions for all terrain vehicle use on certain wildlife areas, permits sale of certain consolidated conservation lands and adds to state wildlife management areas. Signed by the governor: 05/01/02. Effective date: Various.

**Chapter 366, H.F. 3025-Peterson, S.F. 2727\*-Samuelson.** Makes additions and deletions from state park and recreation area lands and provides for the sale of state land and tax-forfeited land. Signed by the governor: 05/15/02. Effective date: Various.

**Chapter 376, H.F. 2973-Holsten, S.F. 2738\*-Price.** Dept. of Natural Resources housekeeping provisions. Signed by the governor: 05/20/02. Effective date: Various.

**Chapter 382, H.F. 3129-Holsten, S.F. 3134\*-Higgins.** Clarifies individual sewage treatment classification and establishes the Central Iron Range Sanitary Sewer District. Signed by the governor: 05/20/02. Effective date: Various.

## **Finance**

**Chapter 220, H.F. 351\*-Stanek, S.F. 264-Johnson, Douglas.** Omnibus budget reconciliation bill. Vetoed. Veto overridden: 02/28/02. Effective date: Various.

**Chapter 280, H.F. 197\*-Bishop, S.F. 107-Langseth.** Provides for grants to noncommercial television stations and to the metro bus garage. Vetoed. Veto overridden: 04/09/02. Effective date: 04/10/02.

**Chapter 355, H.F. 2970\*-Hackbarth, S.F. 3010-Stumpf.** Appropriates money for maintenance, monitoring, and enforcement related to recreational motor vehicle use. Signed by the governor: 05/01/02. Effective date: 07/01/02.

**Chapter 374, H.F. 3270\*-Goodno, Johnson, Douglas.** Omnibus supplemental budget balancing bill. Vetoed. Veto override: 05/18/02. Effective date: Various.

## **Health and Family Security**

**Chapter 219, H.F. 2698-Paulsen, S.F. 2655\*-Samuelson.** Extends the authority of the Board of Physical Therapy to adopt rules on licensee ethics. Signed by the governor: 02/27/02. Effective date: 02/28/02.

**Chapter 227, H.F. 3148\*-Rhodes, S.F. 3025-Kelley.** Modifies registration requirements for speech-language pathologists and audiologists. Signed by the governor: 03/07/02. Effective date: 08/01/02.

**Chapter 228, H.F. 2992\*-Rhodes, S.F. 2865-Stevens.** Modifies occupational therapist temporary licensure terms. Signed by the governor: 03/07/02. Effective date: 08/01/02.

**Chapter 240, H.F. 3309\*-Cassell, S.F. 3082-Larson.** Modifies the exception to the nursing home bed moratorium for licensed beds on layaway status. Signed by the governor: 03/14/02. Effective date: 08/01/02.

**Chapter 248, H.F. 2813\*-Molnau, S.F. 2803-Robling.** Requires licensed child care providers to develop policies and procedures for reporting suspected child maltreatment. Signed by the governor: 03/21/02. Effective date: 07/01/02.

**Chapter 252, H.F. 2531\*-Goodno, S.F. 2381-Berglin.**

Provides for the regulation of hospice providers by the commissioner of health separately from home care providers, provides a hospice bill of rights for the benefit of individuals receiving hospice care and provides for enforcement. Signed by the governor: 03/22/02. Effective date: Various.

**Chapter 259, H.F. 2603-Paulsen, S.F. 2627\*-Kiscaden.** Requires licensed optometrists or physicians to provide patients with copies of prescriptions for contact lenses after completing the eye examination. Signed by the governor: 03/22/02. Effective date: 08/01/02.

**Chapter 275, H.F. 3276-Boudreau, S.F. 3100\*-Berglin.** Provides for Medical Assistance reimbursement for approved tribal health professionals and specifies certain credentialing requirements. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 276, H.F. 3291-Nornes, S.F. 3124\*-Foley.** Modifies nursing and board care homes resident reimbursement classifications provisions. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 277, H.F. 3245-Boudreau, S.F. 3126\*-Foley.** Makes technical changes in certain health care and human services programs provisions. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 279, H.F. 2600-Mulder, S.F. 2419\*-Lesewski.** Defines portable wading pools located at licensed family day care homes or at certain unlicensed child care services as private residential pools for regulation exemption purposes. Signed by the governor: 03/25/02. Effective date: Various.

**Chapter 281, H.F. 2678-Solberg, S.F. 2768\*-Lessard.** Changes provisions in the Medical Assistance demonstration project. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 287, H.F. 2664-Bradley, S.F. 2459\*-Sams.** Modifies requirements for supplemental nursing services agencies. Signed by the governor: 03/26/02. Effective date: 04/09/02.

**Chapter 289, H.F. 3091-Abeler, S.F. 2764\*-Marty.** Modifies standards for reporting incidents in licensed programs serving persons with mental retardation or related conditions. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 292, H.F. 2757-Abeler, S.F. 2692\*-Sams.** Modifies the authority of the commissioner of human services to set aside disqualifications of human services license applicants based on background checks. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 294, H.F. 2635-Bradley, S.F. 2550\*-Berglin.** Clarifies the requirement for school districts to provide special instruction and related services for children with a disability. Signed by the governor: 03/26/02. Effective date: 03/27/02.

**Chapter 300, H.F. 3223-Harder, S.F. 2793\*-Vickerman.** Provides for Medical Assistance reimbursement for out of state services to children with severe emotional disturbance. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 310, H.F. 1224\*-Davids, S.F. 887-Lourey.** Provides for registration of medical response units with the Emergency Medical Services (EMS) Regulatory Board. Signed by the governor: 04/01/02. Effective date: 08/01/02.

**Chapter 333, H.F. 1517\*-Wilkin, S.F. 1443-Wiener.** Regulates family day care homes swimming pools use. Signed by the governor: 04/12/02. Effective date: 08/01/02.

**Chapter 335, H.F. 2763-Greiling, S.F. 2457\*-Berglin.**

Removes the imminent danger of injuring or harming self or others requirement for emergency admission or judicial commitment purposes. Signed by the governor: 04/16/02. Effective date: 08/01/02.

**Chapter 341, H.F. 3193-McElroy, S.F. 2957\*-Samuelson.** Requires reporting of practice act violations to the board of dentistry and provides complainant immunity. Signed by the governor: 04/17/02. Effective date: 08/01/02.

**Chapter 346, H.F. 2935-Penas, S.F. 2909\*-Sams.** Permits a health maintenance organization rural demonstration project. Signed by the governor: 04/19/02. Effective date: 04/20/02.

**Chapter 354, H.F. 3249-Hilty, S.F. 2998\*-Lourey.** Waives the written case presentation and oral examination component of the licensing requirements for certain alcohol and drug counselors. Signed by the governor: 05/01/02. Effective date: 08/01/02.

**Chapter 361, H.F. 3346-Mulder, S.F. 3026\*-Kelley.** Regulates the provision of interstate telemedicine services. Signed by the governor: 05/08/02. Effective date: 07/01/02.

**Chapter 362, H.F. 3359\*-Abeler, S.F. 3005-Wiener.** Modifies protocols for nurses, authorizes the transfer of nursing facility beds and provides for the administration of epinephrine on emergency ambulance calls. Signed by the governor: 05/08/02. Effective date: Various.

**Chapter 370, H.F. 3200\*-Goodno, S.F. 3155-Kiscaden.** Establishes guest licenses for dentists and dental hygienists. Signed by the governor: 05/15/02. Effective date: 05/16/02.

**Chapter 375, H.F. 3236-Goodno, S.F. 3099\*-Berglin.** Dept. of Human Services housekeeping provisions Signed by the governor: 05/18/02. Effective date: 08/01/02.

**Chapter 384, H.F. 2903-Goodno, S.F. 2486\*-Samuelson.** Requires radiation therapy facilities major spending commitments prospective review and approval. Signed by the governor: 05/21/02. Effective date: 08/01/02.

**Chapter 396, H.F. 3092\*-Abeler, S.F. 3085-Hottinger.** Requires release of certain information and provides employer immunity for reference checks for certain health care providers and facilities. Signed by the governor: 05/22/02. Effective date: 07/01/02.

**Chapter 399, H.F. 3350\*-Abeler, S.F. 2811-Kiscaden.** Establishes emeritus registration for mortuary science practitioner, establishes a donated dental services program, and establishes a volunteer health care provider program. Signed by the governor: 05/22/02. Effective date: Various.

**Chapter 402, H.F. 3031\*-Mulder, S.F. 2669-Hottinger.** Minnesota Emergency Health Powers Act. Signed by the governor: 05/22/02. Effective date: 05/23/02.

## **Jobs, Housing and Community Development**

**Chapter 262, H.F. 3348-Nornes, S.F. 3136\*-Lesewski.** Modifies workers' compensation payment provisions, intervention procedures, and special compensation fund provisions. Signed by the governor: 03/22/02. Effective date: Various.

**Chapter 272, H.F. 2993-Howes, S.F. 2463\*-Anderson.** Regulates nurses overtime work hours and provides for border state nursing licenses reciprocity. Signed by the governor: 03/25/02. Effective date: Various.

**Chapter 337, H.F. 3537-Rhodes, S.F. 3288\*-Kelley.** Extends the expiration of an interest arbitration provision governing firefighters. Signed by the governor: 04/16/02.

Effective date: 08/01/02.

**Chapter 350, H.F. 2525-Hackbarth, S.F. 2960\*-Johnson, Debbie.** Defines fireworks and legalizes the use of non-aerial, non-explosive fireworks. Signed by the governor: 04/29/02. Effective date: 04/20/02.

**Chapter 380, H.F. 3648-McElroy, S.F. 3431\*-Anderson.** Provides for extended unemployment compensation benefits, provides for unemployment insurance taxes, and provides extra benefits for airline industry, Fingerhut Companies, Inc., and Farmland Foods Company employees. Signed by the governor: 05/21/02. Effective date: Various.

## Judiciary

**Chapter 221, H.F. 97-Greiling, S.F. 58\*-Foley.** Changes terminology in statutes of references to mentally ill. Signed by the governor: 02/27/02. Effective date: 08/01/02.

**Chapter 229, H.F. 3062\*-Smith, S.F. 2839-Ranum.** Repeals the term limits for judges in the Hennepin and Ramsey County Juvenile Courts. Signed by the governor: 03/07/02. Effective date: 08/01/02.

**Chapter 233, H.F. 3190\*-Stanek, S.F. 3111-Ranum.** Requires the Juvenile Court to forward to the statewide supervision (conditional release data) system certain data in juvenile petitions for individuals under supervision by probation agencies or in out of home placement. Signed by the governor: 03/13/02. Effective date: 08/01/02.

**Chapter 242, H.F. 3344\*-McGuire, S.F. 2892-Cohen.** Provides for a combined jurisdiction program in the Second and Fourth Judicial Districts. Signed by the governor: 03/14/02. Effective date: 07/01/02.

**Chapter 247, H.F. 3584\*-Holberg, S.F. 3302-Knutson.** Modifies the formula for calculation of interest on court verdicts, awards and judgments. Signed by the governor: 03/21/02. Effective date: 08/01/02.

**Chapter 266, H.F. 3373-Stanek, S.F. 3045\*-Betzold.** Extends the Fourth Judicial District domestic fatality review team. Signed by the governor: 03/25/02. Effective date: 03/26/02.

**Chapter 273, H.F. 3263-Holberg, S.F. 3167\*-Betzold.** Grants the commissioner of corrections access to private data in preliminary determinations of the appropriateness of filing a petition for civil commitment as sexual psychopathic personalities or sexually dangerous persons. Signed by the governor: 03/25/02. Effective date: 08/01/02.

**Chapter 290, H.F. 2932-Sykora, S.F. 2614\*-Kiscaden.** Requires disclosure of an individual's communicable disease to a foster care provider. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 303, H.F. 3240-Clark, J., S.F. 2814\*-Murphy.** Authorizes electric cooperatives to use electronic voting. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 304, H.F. 2596-Holberg, S.F. 2673\*-Cohen.** Provides for custody of children by de facto custodians and third parties. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 311, H.F. 2785-Goodno, S.F. 2542\*-Scheid.** Regulates business and nonprofit corporations and limited liability companies. Signed by the governor: 04/01/02. Effective date: 08/01/02.

**Chapter 338, H.F. 3455-Leighton, S.F. 3380\*-Knutson.**

Modifies provisions governing postnuptial contracts. Signed by the governor: 04/16/02. Effective date: 08/01/02.

**Chapter 340, H.F. 3445-Wagenius, S.F. 3238\*-Ranum.** Provides options relating to the election of directors and voting rights for members of nonprofit neighborhood organizations. Signed by the governor: 04/16/02. Effective date: 08/01/02.

**Chapter 344, H.F. 3393-Boudreau, S.F. 3114\*-Neuville.** Permits the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support. Signed by the governor: 04/17/02. Effective date: Various.

**Chapter 347, H.F. 2657-Dawkins, S.F. 2540\*-Betzold.** Changes certain probate and power of appointment provisions. Signed by the governor: 04/19/02. Effective date: 08/01/02.

**Chapter 348, H.F. 3048-Workman, S.F. 2460\*-Kleis.** Provides criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances and provides for civil liability against persons who destroy field crops and organisms grown for research purposes. Signed by the governor: 04/24/02. Effective date: Various.

**Chapter 349, H.F. 2473\*-Kahn, S.F. 2807-Ranum.** Darlene Luther Anatomical Gift Act. Specifies intent and consent requirements for anatomical gift designations. Signed by the governor: 04/24/02. Effective date: Various.

**Chapter 360, H.F. 3443-Juhnke, S.F. 3200\*-Johnson, Dean.** Regulates insurance coverages and liability limitations for certain environmental learning centers. Signed by the governor: 05/08/02. Effective date: 05/09/02.

**Chapter 365, H.F. 2573-Juhnke, S.F. 2707\*-Kelley.** Fills in an inadvertent omission for a temporary increase in the surcharge for filing and recording documents to fund the Real Estate Task Force. Vetoed. Veto override 05/16/02. Effective date: Various.

**Chapter 368, H.F. 2649-Smith, S.F. 2448\*-Betzold.** Provides for disclosure by the department of public safety of personal data related to operation of a motor vehicle. Signed by the governor: 05/15/02. Effective date: 08/01/02.

**Chapter 379, H.F. 3163\*-Lipman, S.F. 2792-Betzold.** Revisor's bill. Corrects erroneous, ambiguous, and omitted text and obsolete references and makes technical changes to statutes. Signed by the governor: 05/21/02. Effective date: 08/01/02.

**Chapter 389, H.F. 3041-Marquart, S.F. 3231\*-Betzold.** Provides that nondesignated addresses on license applications are not public data. Signed by the governor: 05/21/02. Effective date: 08/01/02.

**Chapter 400, H.F. 3410-Johnson, J., S.F. 2891\*-Betzold.** Corrects miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors. Signed by the governor: 05/22/02. Effective date: Various.

**Chapter 403, H.F. 2780\*-Lipman, S.F. 2541-Neuville.** Regulates medical malpractice actions, modifies provisions relating to liens against real property and creates a curative act for conveyances by counties. Signed by the governor: 05/22/02. Effective date: Various.

## Rules and Administration

**Chapter 363, H.F. 3379-Rhodes, S.F. 3384\*-Hottinger.**

Modifies campaign finance and public disclosure provisions. Signed by the governor: 05/09/02. Effective date: 08/01/02.  
**Chapter 394, H.F. 2886\*-Howes, S.F. 2734-Kinkel.** Authorizes tribal members living on the Leech Lake Indian reservation to use identification cards issued by federally recognized tribal governments as proof of residence for election day voter registration purposes. Signed by the governor: 05/22/02. Effective date: 08/01/02.

## State and Local Government Operations

**Chapter 223, H.F. 1297-Dempsey, S.F. 1471\*-Vickerman.** Modifies provisions to reflect the abolishment of the Minnesota Municipal Board and the transfer of powers relating to annexation to the Office of Strategic and Long Range Planning. Signed by the governor: 03/07/02. Effective date: 08/01/02.

**Chapter 224, H.F. 2642\*-Gerlach, S.F. 2760-Lesewski.** Eliminates the requirement for county mine inspectors to file annual reports with the Dept. of Labor and Industry. Signed by the governor: 03/07/02. Effective date: 08/01/02.

**Chapter 226, H.F. 2624\*-Buesgens, S.F. 2441-Robling.** Increases the membership of the Shakopee Public Utilities Commission from three to five members. Signed by the governor: 03/07/02. Effective date: Local approval.

**Chapter 231, H.F. 2695\*-Mares, S.F. 2531-Pogemiller.** Modifies and clarifies certain provisions relating to the Minneapolis Firefighters Relief Association. Signed by the governor: 03/13/02. Effective date: Various.

**Chapter 235, H.F. 1189\*-Vanderveer, S.F. 1376-Bachmann.** Provides for the election of municipal council members after annexation. Signed by the governor: 03/14/02. Effective date: 03/15/02.

**Chapter 236, H.F. 1620\*-Howes, S.F. 2210-Tomassoni.** Strengthens orderly annexation agreements. Signed by the governor: 03/14/02. Effective date: 03/15/02.

**Chapter 237, H.F. 2987\*-Bakk, S.F. 2873-Johnson, Douglas.** Authorizes the conveyance of the Cook County mineral center cemetery to the Grand Portage reservation. Signed by the governor: 03/14/02. Effective date: 03/15/02.

**Chapter 238, H.F. 3202\*-Smith, S.F. 2801-Olson.** Increases the Delano Public Utilities Commission to five members. Signed by the governor: 03/14/02. Effective date: Local approval.

**Chapter 241, H.F. 2637\*-Ozment, S.F. 2472-Vickerman.** Provides for town board declaration of office vacancies and appointment of officers to temporarily replace elected officers unable or refusing to attend board meetings for a certain specified period of time. Signed by the governor: 03/14/02. Effective date: 08/01/02.

**Chapter 243, H.F. 3296\*-Thompson, S.F. 3206-Marty.** Transfers social security administrative duties from the commissioner of employee relations (DOER) to the Public Employees Retirement Association (PERA). Signed by the governor: 03/14/02. Effective date: 08/01/02.

**Chapter 246, H.F. 2899\*-Holberg, S.F. 2711-Rest.** Modifies certain metropolitan area livable communities provisions and authorizes grants from the livable communities demonstration, local housing incentive or inclusionary housing accounts to development authorities. Signed by the governor: 03/21/02. Effective date: 03/22/02.

**Chapter 251, H.F. 2742\*-Siefert, S.F. 2757-Betzold.** Modifying certain contested case procedures under the Administrative Procedure Act (APA) and authorizes state agencies to by order provide for the report or order of the administrative law judge as the final decision. Signed by the governor: 03/21/02. Effective date: 08/01/02.

**Chapter 254, H.F. 3133-Lipman, S.F. 2971\*-Knutson.** Codifies the provisions regulating the competitive bidding process for state building and construction or repair contracts and requires standard requirement price contracts for building and construction to be established by competitive bids. Signed by the governor: 03/22/02. Effective date: 08/01/02.

**Chapter 256, H.F. 3074-Ruth, S.F. 2834\*-Day.** Provides for the appointment of the Steele county recorder Signed by the governor: 03/22/02. Effective date: Local approval.

**Chapter 258, H.F. 2652-Lieder, S.F. 2434\*-Moe, R.D..** Provides for the appointment of the Polk County recorder and auditor-treasurer. Signed by the governor: 03/22/02. Effective date: Local approval.

**Chapter 263, H.F. 2753-Hilty, S.F. 2590\*-Lourey.** Provides for the appointment of the Carlton County recorder. Signed by the governor: 03/22/02. Effective date: Local approval.

**Chapter 264, H.F. 2796\*-Ozment, S.F. 2670-Higgins.** Authorizes a city of Minneapolis joint venture with a private entity to construct, operate and manage an asphalt production facility. Signed by the governor: 03/22/02. Effective date: Local approval.

**Chapter 271, H.F. 2873-Wilkin, S.F. 2578\*-Wiener.** Authorizes county boards upon approval by the Dept. of Human Services to implement client directed support programs. Signed by the governor: 03/25/02. Effective date: 03/26/02.

**Chapter 278, H.F. 3061-Dibble, S.F. 3117\*-Metzen.** Provides for the transfer or disposal of sewer interceptor facilities. Signed by the governor: 03/25/02. Effective date: 12/31/02.

**Chapter 296, H.F. 2933-Stang, S.F. 2546\*-Fischbach.** Permits the cities of Rockville and Pleasant Lake and the town of Rockville to develop a consolidation plan and the cities of New London and Spicer and the town of New London to develop a consolidation plan. Signed by the governor: 03/26/02. Effective date: 03/27/02.

**Chapter 298, H.F. 3196\*-Mares, S.F. 2966-Robertson.** Dept. of Administration housekeeping provisions. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 299, H.F. 3205-Clark, J., S.F. 2890\*-Knutson.** Regulates regulating public works contracts. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 302, H.F. 3224-Abrams, S.F. 3034\*-Robertson.** Authorizes Hennepin County to contract with a private or public cooperative purchasing organization on behalf of the medical center, ambulatory health center or certain other clinics under competitive or request for proposal contracting conditions. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 309, H.F. 3506-Ozment, S.F. 3084\*-Rest.** Modifies certain state and local government unit auditing and reporting requirements. Vetoed.

**Chapter 315, H.F. 3169-Vanderveer, S.F. 2881\*-Cohen.** Grants cities or towns certain affordable housing regulation

authority in approving subdivision, planned unit development or site plan applications. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 317, H.F. 3029-Boudreau, S.F. 2680\*-Limmer.** Eliminates certain ventilation system installation requirements under the energy code and provides for adoption of a new energy code. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 320, H.F. 3030-Buesgens, S.F. 3322\*-Orfield.** Provides for Metropolitan Council service capacity external use and modifies sewer facilities depreciation rate. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 328, H.F. 1683-Paulsen, S.F. 2150\*-Stevens.** Modifies electricians licensing and requires rulemaking. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 356, H.F. 3509-Howes, S.F. 3257\*-Solon, Y.P..** Adds an exception to the conflict of interest provisions for housing and redevelopment authority officers. Signed by the governor: 05/01/02. Effective date: 08/01/02.

**Chapter 358, H.F. 2995-Howes, S.F. 3168\*-Stevens.** Provides for a bidding exception for certain water tank service contracts and authorizes an agreement for Walker to maintain the state water tower at Ah-Gwah-Ching. Signed by the governor: 05/01/02. Effective date: 05/02/02.

**Chapter 359, H.F. 2960-Abrams, S.F. 2568\*-Rest.** Removes certain limitations on the Hennepin County Boards ability to lease real property. Signed by the governor: 05/03/02. Effective date: 08/01/02.

**Chapter 386, H.F. 3073\*-Osskopp, S.F. 2940-Vickerman.** Modifies lawful gambling provisions. Signed by the governor: 05/21/02. Effective date: 05/22/02.

**Chapter 390, H.F. 2836-Hottinger, S.F. 2572\*-Abrams.** Public finance provisions and authorizes the establishment of a specific nonprofit corporation in development region nine for certain specified purposes. Signed by the governor: 05/21/02. Effective date: Various.

**Chapter 392, H.F. 3127\*-Mares, S.F. 2984-Johnson, Dean.** Omnibus pensions and retirement bill. Signed by the governor: 05/22/02. Effective date: Various.

**Chapter 397, H.F. 2214\*-Mares, S.F. 1857-Johnson, Dean.** Provides for financing of a major league ballpark. Signed by the governor: 05/22/02. Effective date: 05/23/02.

## Taxes

**Chapter 377, H.F. 2498\*-Abrams, -Pogemiller.** Modifies provisions relating to income, franchise, sales and use, property, MinnesotaCare, gross receipts, liquor, insurance, solid waste management, estate, minerals, and other taxes. Enacted without signature: 05/18/02. Effective date: Various.

## Telecommunications, Energy and Utilities

**Chapter 260, H.F. 3238-Johnson, J., S.F. 3115\*-Kelley.** Modifies a provision regulating state energy efficiency installment purchases and expands commissioner of administration installment purchase authority to equipment or services to reduce state building or facility energy costs. Signed by the governor: 03/22/02. Effective date: 03/23/02.

**Chapter 329, H.F. 3125\*-Wolf, S.F. 2987-Metzen.** Renames the telecommunications access for communication-impaired persons program and provides telephone companies electronic

billing authority. Signed by the governor: 04/08/02. Effective date: Various.

**Chapter 372, H.F. 2550-Osskopp, S.F. 2392\*-Metzen.** Modifies emergency 911 telephone system provisions. Signed by the governor: 05/17/02. Effective date: Various.

**Chapter 395, H.F. 2625-Pawlenty, S.F. 2908\*-Kelley.** Regulates electronic mail solicitations, protects privacy of Internet consumers and regulates use of information about Internet users. Signed by the governor: 05/22/02. Effective date: Various.

**Chapter 398, H.F. 2972\*-Wolf, S.F. 2740-Metzen.** Decreases regulatory requirements for small power lines, modifies provision for selecting reliability administrator and extends expiration by three years of certain procedural powers of the Public Utilities Commission. Signed by the governor: 05/22/02. Effective date: Various.

## Transportation

**Chapter 250, H.F. 3189\*-Workman, S.F. 3135-Johnson, David.** Provides that street sweeping vehicles are special mobile equipment for motor vehicle registration purposes. Signed by the governor: 03/21/02. Effective date: 08/01/02.

**Chapter 257, H.F. 3512-Cassell, S.F. 3258\*-Larson.** Authorizes the commissioner of transportation (DOT) with the unanimous approval of the Land Exchange Board to convey certain state land to the city of Garfield in exchange for certain land in Douglas County. Signed by the governor: 03/22/02. Effective date: 08/01/02.

**Chapter 285, H.F. 2882\*-Workman, S.F. 3122-Chaudhary.** Regulates electric personal assistive mobility devices. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 288, H.F. 1885-Workman, S.F. 2115\*-Oliver.** Clarifies licensed motor vehicle dealer bonding requirements. Signed by the governor: 03/26/02. Effective date: 08/01/02.

**Chapter 297, H.F. 2884\*-Osskopp, S.F. 2715-Murphy.** Modifies the imposition of overweight vehicles civil penalties. Signed by the governor: 03/26/02. Effective date: 03/27/02.

**Chapter 305, H.F. 3328-Molnau, S.F. 3278\*-Scheid.** Requires the commissioner of public safety to adopt rules requiring education in organ donation as part of driver education program. Signed by the governor: 03/27/02. Effective date: 08/01/02.

**Chapter 316, H.F. 3076-Knoblach, S.F. 2612\*-Kleis.** Authorizes funeral home vehicles to use flashing red lights. Signed by the governor: 04/08/02. Effective date: 08/01/02.

**Chapter 343, H.F. 2687-Entenza, S.F. 3075\*-Cohen.** Provides for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements. Signed by the governor: 04/17/02. Effective date: 06/30/02.

**Chapter 364, H.F. 3199-Kuisle, S.F. 3298\*-Johnson, Dean.** Omnibus transportation policy provisions. Signed by the governor: 05/09/02. Effective date: 08/01/02.

**Chapter 371, H.F. 3203\*-Kuisle, S.F. 3233-Murphy.** Dept. of Public safety housekeeping provisions. Signed by the governor: 05/17/02. Effective date: 05/18/02.

**Chapter 388, H.F. 2726-Stang, S.F. 2422\*-Fischbach.** Modifies provisions regulating motor vehicle dealer transfers and clarifies the time limit for dealer delivery to the registrar of title transfers after motor vehicle purchase. Signed by the governor: 05/21/02. Effective date: 08/01/02.

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2475	249	Commerce	2764	289	Health and Family Security
2486	384	Health and Family Security	2768	281	Health and Family Security
2531	231	State and Local Government Operations	2792	379	Judiciary
2533	322	Crime Prevention	2793	300	Health and Family Security
2540	347	Judiciary	2801	238	State and Local Government Operations
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2546	296	State and Local Government Operations	2811	399	Health and Family Security
2550	294	Health and Family Security	2814	303	Judiciary
2553	283	Commerce	2821	286	Commerce
			2822	225	Environment and Natural Resources
			2827	332	Education

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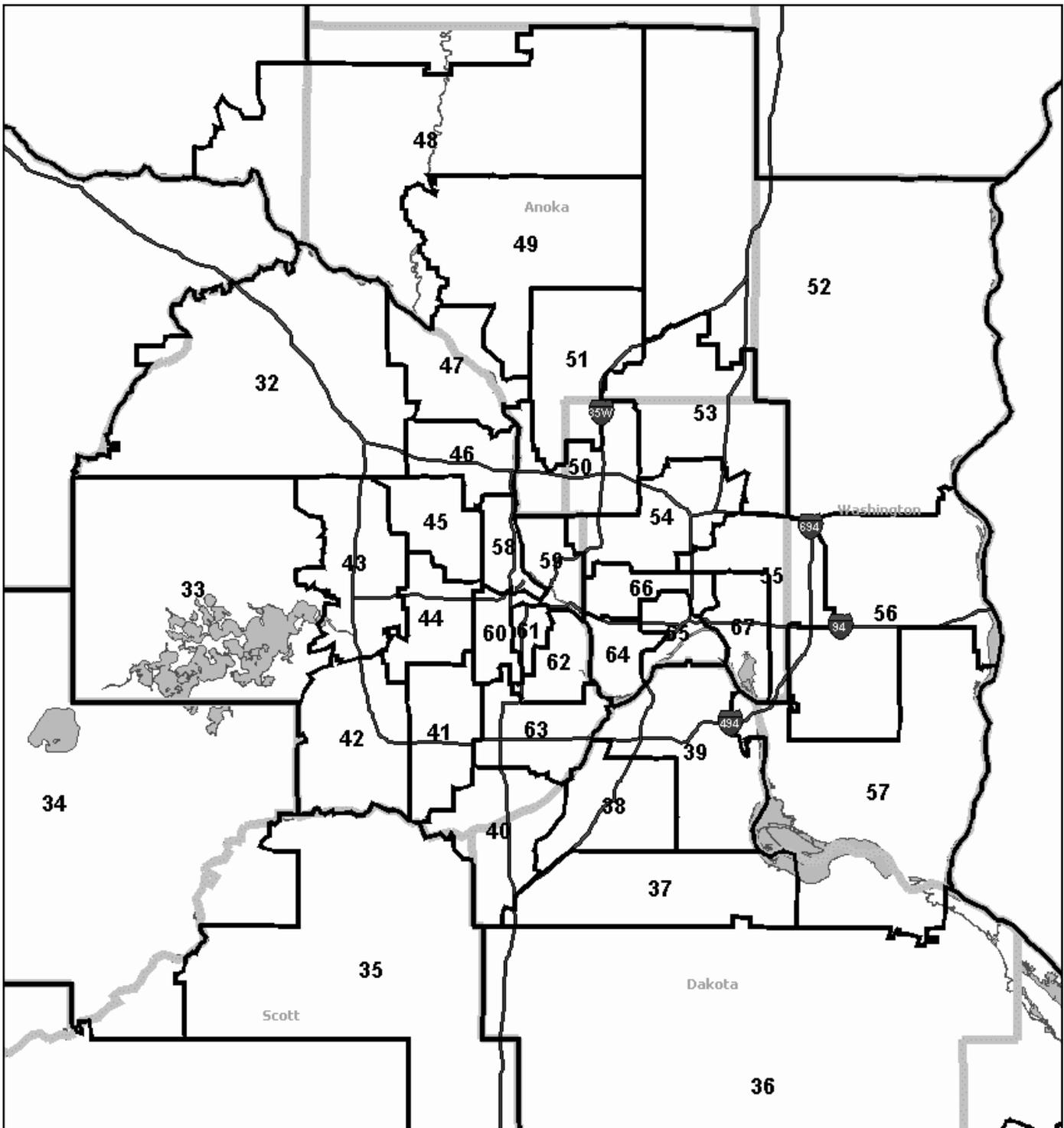
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2865	228	Health and Family Security	3111	233	Judiciary
2873	237	State and Local Government Operations	3114	344	Judiciary
2881	315	State and Local Government Operations	3115	260	Telecommunications, Energy and Utilities
2890	299	State and Local Government Operations	3117	278	State and Local Government Operations
2891	400	Judiciary	3122	285	Transportation
2892	242	Judiciary	3124	276	Health and Family Security
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2909	346	Health and Family Security	3134	382	Environment and Natural Resources
2913	239	Commerce	3135	250	Transportation
2932	253	Environment and Natural Resources	3136	262	Jobs, Housing and Community Development
2933	293	Environment and Natural Resources	3145	308	Agriculture, General Legislation and Veterans Affairs
2940	386	State and Local Government Operations	3155	370	Health and Family Security
2949	321	Crime Prevention	3167	273	Judiciary
2953	295	Commerce	3168	358	State and Local Government Operations
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2966	298	State and Local Government Operations	3200	360	Judiciary
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3045	266	Judiciary	3322	320	State and Local Government Operations
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3068	284	Agriculture, General Legislation and Veterans Affairs	3380	338	Judiciary
3073	282	Crime Prevention	3384	363	Rules and Administration
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351	220	Finance	2684	323	Environment and Natural Resources
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3030	320	State and Local Government Operations	3263	273	Judiciary
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3034	321	Crime Prevention	3274	284	Agriculture, General Legislation and Veterans Affairs
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3062	229	Judiciary	3309	240	Health and Family Security
3070	306	Commerce	3328	305	Transportation
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3080	291	Crime Prevention	3359	362	Health and Family Security
3091	289	Health and Family Security	3362	267	Crime Prevention
3092	396	Health and Family Security	3373	266	Judiciary
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3148	227	Health and Family Security	3443	360	Judiciary
3163	379	Judiciary	3445	340	Judiciary
3169	315	State and Local Government Operations	3455	338	Judiciary
3183	373	Agriculture, General Legislation and Veterans Affairs	3462	261	Commerce
3189	250	Transportation	3464	326	Commerce
3190	233	Judiciary	3492	307	Commerce
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3224	302	State and Local Government Operations	3719	369	Agriculture, General Legislation and Veterans Affairs
3236	375	Health and Family Security			
3238	260	Telecommunications, Energy and Utilities			

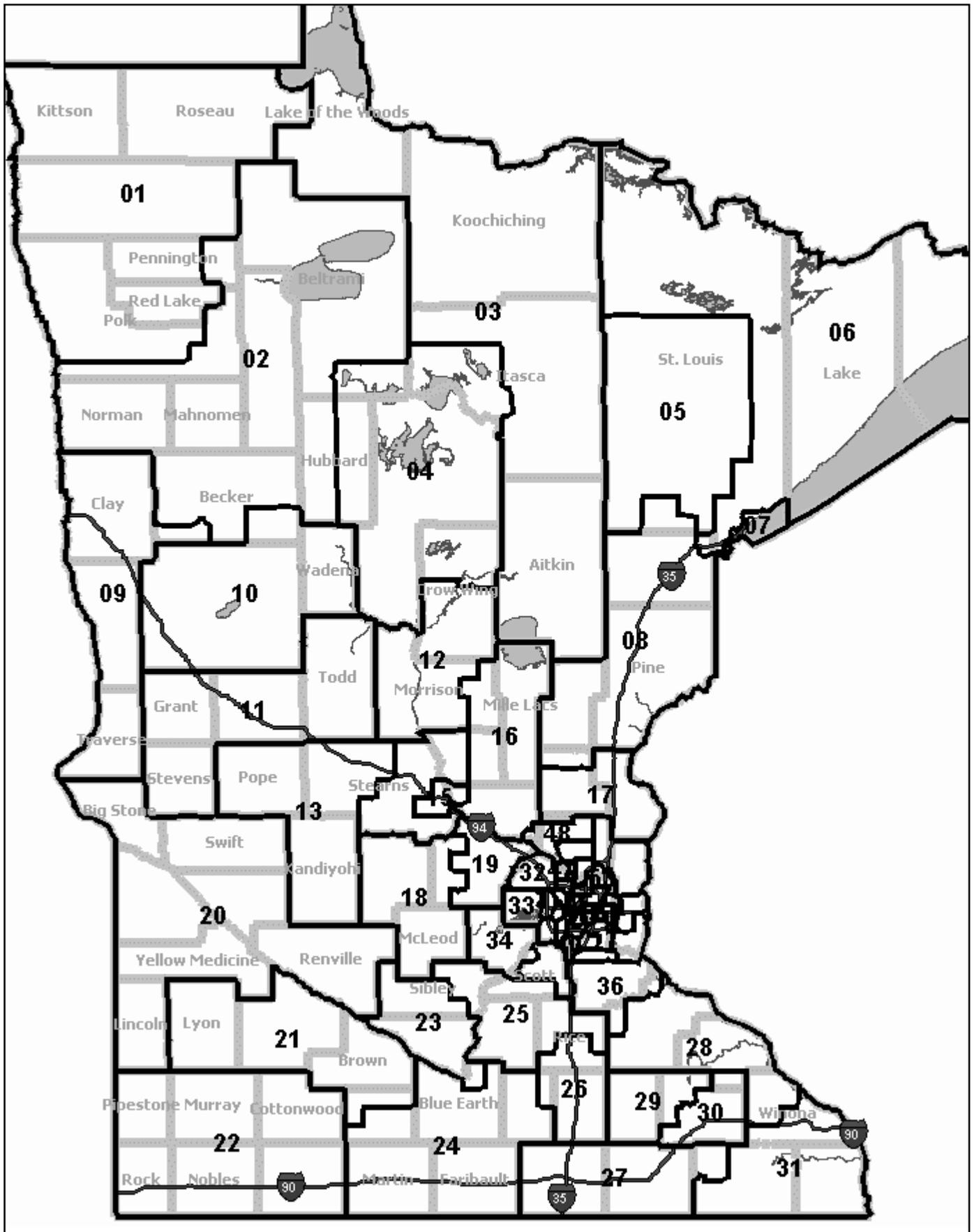


*Maps of the redistricting plan advanced by the special redistricting panel appointed by Chief Justice Kathleen Blatz. Under federal law, states must enact new districts for state legislators and congressional representatives after every decennial census. Since the Legislature and governor did not act before Mar. 19, the panel released its plans.*

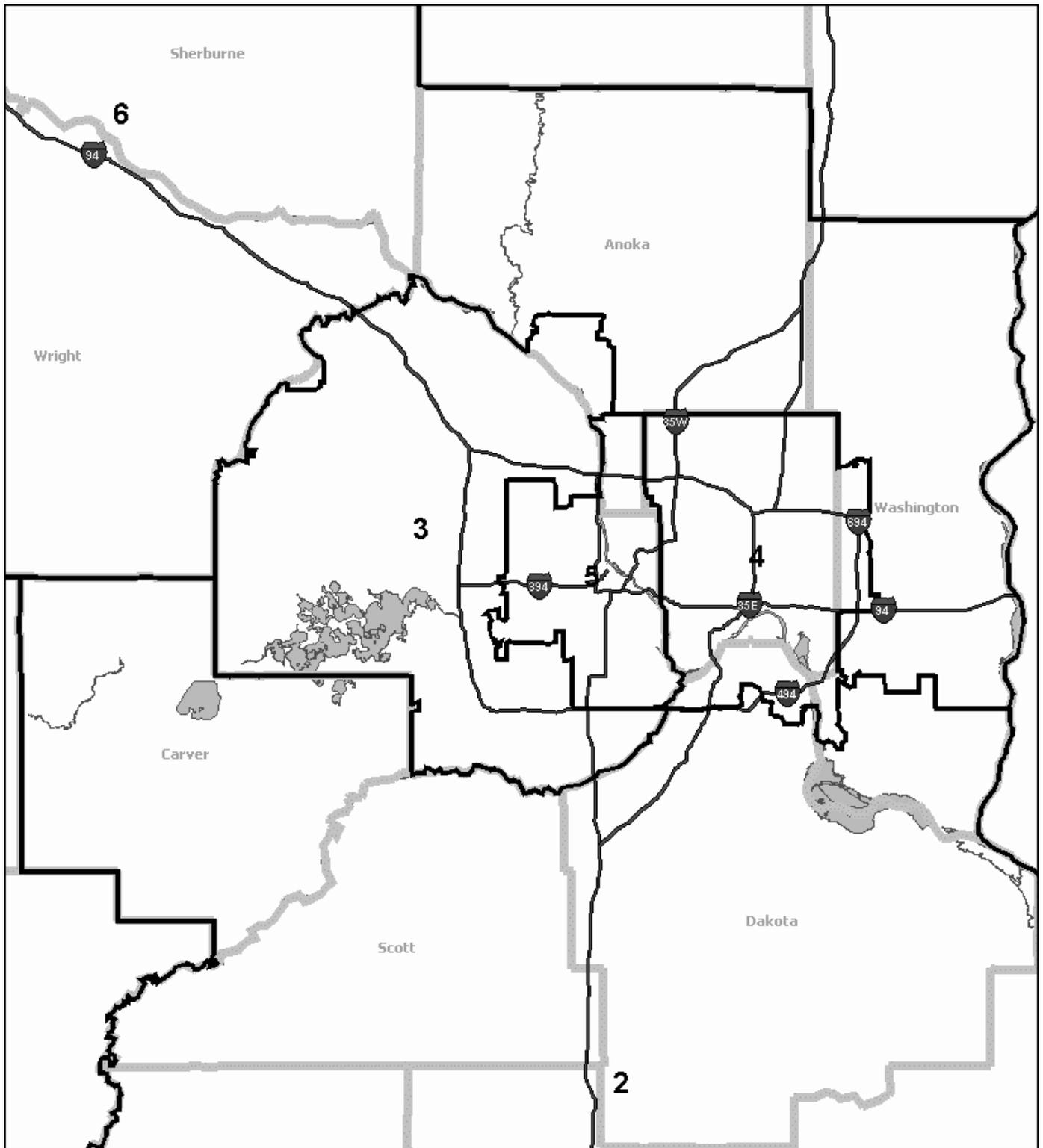
*Above, Metro Area Senate districts. Next page, a statewide map of the new Senate districts.*

*Following pages, statewide and Metro Area Congressional districts, as drawn by the special panel.*

Maps courtesy LCC Geographic Information Systems







*The full text of the panel's orders in the cases challenging the current district maps—as well as various maps and data reports—can be found online at [http://www.courts.state.mn.us/cio/redistricting\\_panel.htm](http://www.courts.state.mn.us/cio/redistricting_panel.htm)*

*Interactive maps and other information can be found on the Legislature's Geographic Information Systems office web site at <http://www.commissions.leg.state.mn.us/gis/html/plans2002.html>*

*Legal discussions and explanations of redistricting, prepared by the Office of Senate Counsel and Research, can be found at <http://www.senate.leg.state.mn.us/departments/scr/treatise/>*

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